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CATHARINE OF ARAGON

AND THE SOURCES OF

THE ENGLISH REFORMATION

BY

ALBERT DU BOYS

EDITED FROM THE FRENCH, WITH NOTES

BY

CHARLOTTE M. YONGE

AUTHOR OF

"THE HEIR OF REDCLYFFE,"

&c., &c.

IN TWO VOLUMES.

VOL. II.

LONDON:

HURST AND BLACKETT, PUBLISHERS,

13, GREAT MARLBOROUGH STREET.

1881.

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LONDON:
PRINTED BY DUNCAN MACDONALD, BLENHEIM HOUSE,
BLENHEIM STREET, OXFORD STREET.

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CATHARINE OF ARAGON.

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CARDINAL CAMPEGGIO had received his commission in Italy during the month of April. He had been delayed at Rome, as he had to re-furnish his house, and to procure a suite befitting his dig-

nity, as all his moveables had been plundered, and he did not start till the month of June. He was further delayed by fits of the gout and various accidents, and only reached Lyons on August 22nd. He started again on the 30th with some fresh resources that were to make his journey more speedy and convenient. Clerk, the English ambassador at the French Court, sent a very fine mule, with splendid housings, and four carriage mules, as far as Orleans to meet Campeggio; Clerk had borrowed them, but he had added twenty horses of his own, and ten that belonged to the Master of the Rolls. Sir Francis Bryant had been waiting for the cardinal in that city since the 24th, and was to escort him to Calais with several horsemen and a certain number of lances.

Thus it was the beginning of September when Cardinal Campeggio made his entry into Paris. Fifteen or sixteen archbishops or bishops, and personages of the highest distinction, were to come and meet him beyond the gates of the capital. But, wearied with the journey, suffering from the gout, and hardly able to sit his mule, he arrived a little sooner than he was expected, to escape the crowd and avoid the honours of the reception prepared for him. However, as soon as he was within Paris, he met Francis I., who received him with expressions of the deepest respect. Then the king conducted the legate to his lodging; they were seen together at a window talking for two hours.

The subject of this long conversation was the suit of Henry VIII. The King of France was not acquainted with all the particulars. "His majesty inquired," writes Campeggio to Sanga. "I replied that I was one of the judges deputed, and that the sentence depended on the evidence; but it was impossible as yet to say what determination would be taken, except that there would be no lack of justice. I added, 'What is your majesty's opinion?' He answered that he was not learned, and in such cases he would adopt the opinion of anyone who understood more about it than himself, though he regarded the king, his brother, as a wise and good man, and believed that, when he knows that the queen is his lawful wife, he will not attempt any such thing (as a divorce); but, if she were not, it would be a great matter to persist in a sin which involved the salvation of his soul." *

The two speakers treated one another with diplomatic reserve. Yet a report prevailed at the French Court that Campeggio, in accordance with the pope's present policy, would be more inclined to the emperor's side than was supposed; that he would be unfavourable to the divorce, and that his mission was especially to change Henry VIII.'s ideas and intentions in this matter if possible. Lastly, that, if he could not reconcile the king and queen, he was not to proceed to judgment without fresh instruc-

* Letters and Papers, Brewer, vol. iv, pt. ii, p. 2061.

tions from the pope. These public reports reached Wolsey from France, or from Rome, where his agents, the Casali and Stafileo, Dean of La Rota, watched everything, and kept him informed of all they could learn. Thus the English statesman's anxieties were more keen than ever. He plainly saw that in Campeggio he would find neither a docile instrument nor even a complaisant colleague. On the contrary, the Roman cardinal, in making communication to him of the plan he intended to pursue, took in some respects the first place, and assumed what may be called the directing authority. Besides, he seemed to prefer to continue his journey by short stages, and cared not for Wolsey's efforts to hasten his arrival in London as much as possible. Lastly, they were much surprised when Clerk, having been commissioned by his master to offer to Campeggio a liberal payment of the expenses of his journey, the cardinal returned a firm and dignified refusal of the sum of money offered to him, and only received the horses and mules necessary for his journey.*

This unusual specimen of independence shown by a member of the Court of Rome seemed very extraordinary to the English ministers, and made them suppose that Campeggio had promised the pope to preserve his independence, so as to be able to give an impartial sentence in the suit.

* Letters and Papers, Brewer, vol. iv, pt. ii, p. 2054; and Introduction, p. ccccii.

But Campeggio was Bishop of Salisbury, and Henry VIII. thought he would be kept in check by the use of this ecclesiastical benefice as a curb. The king made so sure of winning his cause that he thought he had no further cause for restraint. He had splendid apartments ready for Anne Boleyn in one of the houses at Greenwich about the time that Campeggio was to land in England; for, in a letter of September, 1528, he writes, "The legate which we most desire arrived at Paris on Sunday or Monday (September 14th) last past, so that I trust by the next Monday to hear of his arrival at Calais, and then I trust, within a while after, to enjoy that which I have so longed for, to God's pleasure, and our both comfort." *

It seems that she accepted this accommodation, but soon went away again to her father's house, as the king feared that her presence at Court might produce a bad impression on Campeggio just as he arrived.†

Clerk returned to the charge, and begged Campeggio to accept at least seven or eight hundred crowns to clear his expenses. Campeggio persisted in an absolute refusal, saying he had all he wanted.

Though Anne Boleyn had princely rooms in Greenwich palace, the king continued to live in the same

* Letters and Papers, Brewer, vol. iv, pt. ii, p. 2057.

† A letter of Mendoza's to the Archduchess Margaret, queen of the Low Countries. State Papers, Calendar, vol. iv, p. 784.

apartments as Catharine, eat at the same table, and seemed to live a united life with her; persons, indeed, seemed to fancy that the queen had recovered the good humour and cheerfulness of former days. And yet she was subjected to the most iniquitous espial: the English counsel given her had been instructed beforehand. They were prompted to discourage their royal client in her opposition; to make her fancy that her perseverance would disgust the Holy Father and all Christian people, and that she would be blamed for having preferred her personal affection to the submission she owed to the law and the church. This was not all: attempts were made at the same time to persuade the sovereigns of the Continent, and Charles V. himself, that the queen agreed to the suit, and was quite ready to acquiesce in the legates' judgment. It was said that she had been made to promise not to write to the emperor without informing the king; and it was supposed effectual means had been taken to prevent her having any communication either with Charles V. or with the sovereign pontiff. Thus were the approaches for Campeggio's daily-expected mission astutely prepared.

But the Roman legate's progress seemed to be the more retarded the nearer he drew to the termination of his journey. He left Paris on September 18th, and had allowed a week for his journey to Calais. He had been carried all the way in a litter, and was so

grievously tormented by the gout that, when he tried to mount on horseback for his entrance into the city, his hands could not hold the bridle nor his feet keep the stirrups. Either on account of his illness, or because of a violent storm, he could not leave Calais till the 29th. On the 1st of October he arrived at Canterbury and had a splendid reception. His entry into London was fixed for the morning of October 8th. But an attack of the gout, more violent than any he had before experienced, made his journey impossible, even in a litter, and he was obliged to stop in the suburb, where he was received and entertained by the Duke of Suffolk, who had a house there. He was detained there all the next day by his sufferings, and the morning after Wolsey sent a barge for him, and he was carried by the Thames without state, and quite incognito, to his lodging in Bath House. He says:

"I have remained there all this present time (*i.e.*, until the 17th of October), and am confined to my bed, my agony being greater than usual, owing to the journey. I do not know when I shall be sufficiently free from pain to be able to visit the king. The day following Wolsey came to see me. I had believed and hoped that he would not discuss any business with me; but he entered immediately into the cause of my coming. He showed me that, in order to maintain an increasing authority of the Holy See, he had done his utmost to persuade the king to apply

for a legate, in order to remove the scruple which he had on his conscience, although many of the prelates in this kingdom had declared that such a course was unnecessary."*

Wolsey had understood that, if Rome were not represented by a member of the curia in judging the divorce suit, the dissolution of the marriage would be attributed to him alone, and he did not feel strong enough to bear singly the load of such a responsibility.

Besides, he thought he had a right to expect some credit from the Court of Rome for having had recourse to that authority in constituting the ecclesiastical tribunal for trying the divorce suit in England, and for persuading the king to remain united to Catharine until there was a regular sentence of separation.

In this same conference Wolsey told Campeggio that if the legates resisted the king's demand, which was founded upon the most worthy motives, the advice and writings of learned and religious men, the entire destruction of the influence of the Church in the kingdom of England would be the consequence.

"As I am still confined to my bed," writes Campeggio, "his lordship came three or four times to visit me. We have debated the question three or four hours together; but though, in the pope's name, I

* Letters and Papers, Brewer. Introduction, vol. iv, p. ccccvii, and pt. ii, p. 2099.

have endeavoured to bring over the mind of his majesty, and reconcile him to the queen, I have had no more success in persuading the cardinal than if I had spoken to a rock. His objections are founded on the invalidity of the marriage, the instability of the realm, and the succession; and they are so wedded to this opinion that they not only solicit my compliance with them, but the expediency of this business with all possible despatch. Thus I find myself in great straits, with a heavy burden on my shoulders; nor do I see how judgment can be deferred even for a brief space. They will endure no procrastination, alleging that the affairs of the kingdom are at a standstill, and that if the cause remains undetermined it will give rise to infinite and imminent perils."*

What was going on at Henry VIII.'s Court while the cardinals were having these interesting conferences? Although Anne Boleyn had gone away for the time,† the king and she looked upon their future union as just as certain as if the marriage with the queen had already been dissolved. Indeed it seemed that some secret preparations had been made for this second marriage.

Yet Catharine had some hope left. Although very closely watched, it seems that she had been able to see the ambassador Mendoza, who had come to her

* Letters and Papers, Brewer. Introduction, vol. iv, p. ccccviii.

† Gayangos, Calendar, vol. iii, pt. ii, p. 709.

secretly, and who thought that he had reason to believe that Cardinal Campeggio had not brought full powers to give a final judgment, but that his mission only was to "watch what was going on here," consult public opinion, examine witnesses, etc., and then take the result of his inquiries back to Rome. Catharine likewise thought that the pope would do all he could to delay his decision; and she was mistaken in supposing that Wolsey himself would be quite inclined to act by Campeggio's advice, and would willingly accede to this sort of plan of the campaign. "It is true," she added, "that he" would do this from his fear of the lady Anne, and not from any good motive." *

In the same letter Mendoza, while acknowledging the receipt from the emperor of a copy of the brief of dispensation of Julius II., which had lately been sent him from Spain, requests an attested copy of the same brief, and in this gives proof of a wise foresight, as will appear below.

A few days afterwards the unhappy queen passed from hope to fear. Mendoza writes to the emperor, telling him, "The queen wrote yesterday to say she had heard that this new legate brought powers and mandates very detrimental to her and to her rights; which powers she says have been obtained from the

* Mendoza says this. (Ed.) Gayangos, Calendar, vol. iii, pt. ii, p 790.

pope under false pretences."* In this the queen was pretty nearly right. Such powers had indeed been given to Campeggio, but on condition that he should not let anyone know of the brief containing them before he had made an examination on the spot, and inquired whether, as the pope had been told, popular feeling in Great Britain were favourable to the divorce, and whether the queen was disposed to make concessions or to acquiesce in the king's wishes. It was even asserted at Rome that Charles V. was quite ready to consent to Catharine's repudiation. Campeggio was soon to receive a letter from the emperor to put him on his guard against this invention and diplomatic lie, as well as all the other equally unfounded statements that it was thought possible might have been added.

The queen also complained to Mendoza of the conduct of several bishops and doctors, who, after making formal declaration in her favour, had yielded to intimidation and bribery, and had deserted her cause. She even cast doubts upon the firmness and sincerity of the English counsel who had been assigned her. She had especially wished to have a Spanish lawyer at her disposal, or, failing him, and for the sake of greater speed, some Flemish canonists, or men of law. She said she would trust to the emperor's choice and to his good advice. She had been told that his majesty would write an urgent

* Gayangos, Calendar, vol. iii, pt. ii, p. 803.

letter in her favour, and she sent her thanks to him, and told him that his powerful support was her chief consolation in her sufferings and anxieties. She asked for the intervention of the Kings of Hungary and Portugal in addition to the emperor's, to mitigate the effect of Henry VIII.'s manœuvres upon the Court of Rome.

Notwithstanding the defection of many of her former partisans, and the influences that beset her on every side, the queen continued to be firm and energetic, always resolute in her valiant defence of her own honour and her daughter's legitimacy.*

The emperor had named as counsel for the queen's defence the canonist Micer Miguel Mai, who could not reach England in time, for what reason is unknown.

Henry VIII. did not let Campeggio rest. The unhappy legate could neither walk nor ride, and could hardly sit in a chair when his majesty told him that he should have his audience on the 22nd of October following, at Blackfriars. This palace was near the cardinal's lodging, and had been specially chosen to spare him fatigue. The king welcomed him in friendly and affectionate manner. In the hall, where he was received, were assembled the princes of the blood, the chief noblemen of the kingdom, the leading English bishops, and the various

* The same letter of Mendoza, September, 30th, 1528. Gayangos, Calendar, vol. iii, pt. ii, p. 804.

ambassadors, with the exception of Mendoza, who had not been invited to this meeting. Campeggio says, "My friend Florian made an appropriate speech, and was attentively heard. When he alluded to the calamities of Italy and Rome all were moved to tears. Doctor Fox made an eloquent reply." *

In all this there was no discussion of the divorce, it had not even been mentioned. It seemed as if Campeggio's mission to England had been intended merely as an attempt to re-establish peace between the Christian princes; indeed this was the ostensible object. But when the formal orations had been spoken, and the public ceremonial came to an end, the king drew the two legates into his private chamber. Then it was supposed that Campeggio gave him a letter from the Holy Father that was read on the spot, and he seemed much gratified at his holiness's expressions of good will.†

Next day, after dinner, Henry went to visit Cardi-

* Letters and Papers, Brewer. Introduction, vol. iv, p. ccccx. Mendoza tells the emperor, "Another orator replied on the king's side, laying much more stress still on the damage done at Rome by the imperial troops. He went on to say how hard the king had worked to make peace between his imperial majesty and the King of France. To this end he had allied himself to the party which appeared to him to have most right on its side, in order the better to resist the encroachments and ambition of the tyrant." Gayangos, Calendar, vol. iii, pt. ii, p. 840.

† Mendoza, "as is generally supposed, the Legate Campeggio delivered his secret credentials to the king." (Ed.)

nal Campeggio in private; the conversation lasted three or four hours. First the cardinal exhorted him to reflect maturely before applying for the dissolution of his marriage, and told him that, if his scruples were respecting the invalidity of the dispensation, a more regular one could easily be obtained. Henry patiently listened to all Campeggio had to say, and made him an answer evidently prepared beforehand, making use of all the arguments Wolsey had before urged upon his colleague. He asserted that Pope Julius II.'s dispensation was contrary to divine right, and that, if it were not so, there were many other reasons against the validity of the document. His majesty seemed to Campeggio to be specially conversant with this theological question, like a professed canonist. The cardinal wrote in round terms to Sanga, his correspondent at Rome, "and I believe if an angel descended from heaven, he would not be able to persuade his majesty to the contrary."

After the discussion on law, Campeggio offered, as a mean term, to do all he could to persuade the queen to enter a religious house. This greatly pleased Henry, and the cardinal says, "There are strong reasons for it, as he has ceased for two years from cohabiting with her, and will not return to her whatever the result may be."

The king added that in all other matters he would be ready to make any possible concessions, and, as an instance, he would engage to confirm the Princess

Mary's succession to the crown, in default of male issue by another marriage. He promised to go and speak to the queen as soon as possible, with the Cardinal of York.

In the interval Campeggio endeavoured to shake Wolsey's resolution, exhibiting to him the dangers that might result from the emperor's resentment. Wolsey answered that Catharine might be treated with such consideration, even while she was made to lose her suit, as to give no excuse for her relations to be angry, and that the emperor would not embark in an arduous war against England for such a reason, when he had peaceably acquiesced in the expulsion from their kingdoms of his two sisters, the Queens of Hungary and Denmark. Then Campeggio fell back upon the pope's intentions. He represented that he was bound to make His Holiness acquainted with his opinion in this matter, and wait for further instructions before giving judgment. Then Wolsey cried out, with great marks of ill-humour, "Si sic est, nolo negociari vobiscum sine potestate, neque sic agitur cum rege." Campeggio writes to his correspondent Sanga, "that he does not see how it is possible to persevere in this course, as the pope had desired him. They are so determined and engrossed by their own opinion that it is impossible to shake them. In my last conversation with his lordship, he said, and repeated it many times in Latin, 'Most reverend lord, beware lest in like manner as the

greater part of Germany, owing to the harshness and severity of a certain cardinal, has become estranged from the Apostolic See and the faith, it should be said that another cardinal has given the same occasion to England with the same result.' He often impresses on me that if the divorce be not granted the authority of the Apostolic See in this kingdom will be at an end; and he certainly proves himself very zealous for its preservation, for he has done, and is still doing for it, very great services, because all his grandeur is connected with it."

In this state of feeling the legates proceeded to visit the queen.

"Taking leave of his majesty," continues Campeggio, "the cardinal and I repaired to the queen, with whom we conversed alone, about two hours. After our greetings, I gave her the pope's letter, which she received and read with good cheer. She then inquired what I had to say to her. I began by telling her that, as the pope could not refuse justice to anyone who demanded it, he had sent the Cardinal of York and myself to examine the state of the question between her highness and the king; but as the matter was very important, and full of difficulty, His Holiness in consideration of his paternal office, and of the love which he bore her, counselled her, confiding much in her prudence, that, rather than press it to trial, she should herself take some other course, which would give general satisfaction and greatly

benefit herself. I said no more, in order to discover what she would demand. The Cardinal of York followed to the same effect, as far as I could understand, for he spoke chiefly in English.

"Her majesty replied 'that she knew the sincerity of her own conscience, and was resolved to die in the Faith, and in obedience to God and His Holy Church; that she wished to unburden her conscience to our lord (the pope); and for the present she would give no other reply, as she intended to demand counsellors of the king, her lord and consort, and then she would hear and answer us.' She added that she had heard we were to induce her to enter some religion. I did not deny it, and strove to persuade her that it rested with her, and by doing this she would preserve her dignities and temporal goods, and secure the succession of her daughter; that she would lose nothing, for she had lost *la persona del re* already, and would not recover it. She should, therefore, rather yield to his displeasure than submit her cause to the hazard of a sentence—considering, if judgment went against her, how great would be her grief and trouble, and how much the ruin of her reputation. The dowry would be forfeited, and how great would be the scandal and enmity that would ensue. On the other hand, if she complied, she would retain her dower, the guardianship of the princess, her rank, and whatever else she chose to demand, and would neither offend God nor her conscience. I enforced

these arguments by the example of a Queen of France who did the same, and is still honoured by God and that kingdom. The same arguments were enforced by the Cardinal of York, who begged her to ponder them well, and hoped she would resolve for the best. Then he ventured to mention Henry's conscientious scruples to her, to be taken into account. That, since her highness had already reached the third and last period of natural life, and had spent the first two setting a good example (of virtue) to the world, she would thus put a seal to all the good actions of her life, and would, besides, prevent, by such religious profession, the many and incalculable evils likely to arise from such matrimonial discord."

The queen at first showed a little irritation at these words, and spoke quite angrily to the resident legate (Wolsey), hinting that he was the cause of all her misfortunes; but after some time she grew calm, and said to Campeggio, with great composure, "that she held her husband's conscience and honour in more esteem than anything else in this world, that she entertained no scruple at all about her marriage, but considered herself the true and legitimate wife of the king her husband, that the proposal just made in the name of His Holiness was inadmissible. She knew for certain that if His Holiness, instead of listening to the arguments and suggestions of her enemies, had heard what she had

to say in her defence, such a proposal would never have been made. She was, however, so dutiful a daughter of the church that nothing would make her swerve from the path of obedience. So we left her, assuring us that she would make known to our lord (the pope) the sincerity of her conscience. To this I replied that I had been sent by the pope to hear whatever she chose to explain to me, and I would faithfully report to him my opinion, and by his reply she would learn that I had done my duty sincerely. She concluded the conference by saying she was a lone woman and a stranger, without friend or adviser, and intended to ask the king for counsellors, when she would give us audience." *

Campeggio was greatly affected by this firm and noble language. The illnesses of the unhappy cardinal were a continually renewed obstacle to the speedy settlement of the suit. When he returned from his audience of the queen, he was seized with a violent fit of gout in the knee, and could not move without excruciating pain. Surrounded with great books of theology and canon law, besieged by the doctors' visits, bringing him their proofs and authorities,

* Letters and Papers, Brewer. Introduction, vol. iv, p. ccccxiv, pt. ii, p. 2101. Gayangos, Calendar, vol. iii, pt. ii, pp. 439, 441. We have fused together Campeggio's account and Mendoza's, from his letter to the emperor, Nov. 18, 1528. Mendoza was not present, but he was informed of all that took place either by the two legates or by the queen herself. Campeggio perhaps designedly omits some of the particulars.

worried by incessant importunity, receiving repeated instructions from the pope, with continual orders to try to gain time, and on no account to exceed the limits of his commission, the legate Campeggio could not get a moment's rest, either of mind or body. Everyone engaged in the business with him was too absolutely engrossed in it to have any regard for his cruel sufferings.

He learnt from Wolsey that there had been an interview between the king and queen, and that his majesty had named as her counsel the Archbishop of Canterbury, and the Bishops of London and Bath, and to them was afterwards added Doctor Standish, the Bishop of Saint Asaph. The king did not wish her to send for another lawyer from Spain, but he allowed her to have a proctor and another advocate from Flanders, and he also authorised her to continue to see a Spaniard who was in London, and was named Vives. Campeggio had a private interview with Fisher, Bishop of Rochester, whom he knew to be high in the queen's favour and confidence. He was satisfied with these good arrangements.*

Soon after a remarkable incident took place; the queen, with the king's permission, requested Cam-

* Letters and Papers, Brewer, vol. iv, pt. i, p. 2108. Some writers say that, in addition to these counsel, was the queen's own confessor, Father Forest, and the Bishop of Rochester, the pious and valiant Fisher. Other historians state that Catharine no doubt consulted these two venerable men, but that they were not on the list of counsel named by the king.

peggio to hear her confess, and the legate thought he ought not to refuse. While Catharine found in this the means of quieting her conscience, her intention was to inform the cardinal legate, who was to be her judge as well as confessor, of several of the details of her private life that he could not have suspected. She wanted to lay bare her whole soul before him. It was the best way—she saw it instinctively—to gain and keep his confidence. At the end she released him from the absolute secrecy that should have enfolded the information of the confessional, and, indeed, formally requested him to communicate it to the sovereign pontiff.

The precise information she gave concerning her former marriage could leave no doubt upon Campeggio's mind as to the nature of her relations with Prince Arthur.

At the end of this confidential conference she insisted that everything should be judicially decided, and she assured Campeggio that, if a legal and final decision were given annulling her marriage and sanctioned by the pope, she would submit, and look upon herself as free as Henry VIII. himself. Nevertheless, "in the third place she prayed me to supplicate, and to prevail upon his majesty to allow her to remove this phantasy from His Holiness, and to regard her as his consort, as she had been till now, and [to tell the king] that she offered her head to use her influence with the emperor for the conclusion

of the universal peace, and that his majesty (the emperor) would, for her sake, abate so much of his demands that the peace at least might take place. As I had not failed to say all I could to persuade her [to adopt] the profession [of some religion], and had found her so firm, nothing more occurred to me, and she left me. I assure you that from all her conversation and discourse I have always judged her to be a prudent lady, and now more so. But as she can without prejudice, as I have said above, avoid such perils and difficulties her obstinacy in not accepting this sound counsel does not much please me." *

On the 27th of October following, Campeggio and Wolsey had another official conference with the queen. They found her attended by most of her counsel, and the chief seemed to be the Bishop of Saint Asaph (Doctor Standish). She received them with her accustomed dignity, without the least shade of anger or impatience. Campeggio repeated his advice to her to take the veil.† Wolsey pressed

* Letter of October 26th, from Campeggio to Salviati for the pope, written in cipher. It has been quite lately found at the Vatican, and deciphered. It was written partly in Italian, partly in Latin. It is given by Professor Brewer, vol. iv, pt. ii, pp. 2108, 2109. There are many particulars that cannot be produced in the text. See also Introduction to vol. iv, p. ccccxvii.

† This question had already been discussed in the first interview between her and the legates. Campeggio had returned to the charge even in the confessional, and had failed again. The queen was always inflexible on this point.

it very much, and supplicated her on his knees to follow this advice, to her honour and the good of her soul. She replied that she would not violate God's law nor risk eternal condemnation; that she would advise with her counsel, and give a final reply.

Cardinal Wolsey was not pleased at the indecision and interminable delays of his colleague; Henry VIII. found it still harder to endure them. The day after the last conference of the legates with the queen took place, the king came in person to Campeggio's residence, and had a most confidential conversation with him. An Italian, who was in a contiguous chamber, and could hear something of this conversation, told Mendoza that the king from time to time showed great impatience. He pressed the legate to give judgment as quickly as possible, and when Campeggio made evasive replies or kept on raising objections the king's voice was raised, and he seemed to become very angry. Mendoza writes to the emperor that "he has been assured that on that occasion the king was by no means pleased with his visit, and that he left the legate's apartments very much disappointed." *

Two days after this Henry VIII. had a serious conference with the queen, and told her "that she was not his wife, and that all the jurists of England had subscribed a declaration to that effect with their own names. The pope had condemned her at Rome,

* Gayangos, Calendar, vol. iii, pt. ii, p. 842.

and the legate Campeggio had come for the sole purpose of having the sentence executed." Upon which the queen inquired, "How can the pope condemn me without a hearing?" The king replied, "The emperor has answered for you, and consequently the pope has decided against you." Many other equally groundless statements (*burlerias*) did the king make, and ended by advising her to make a religious profession, as the legate had recommended, otherwise he said she would be compelled to do so. The queen, with tears in her eyes, answered, "May God forbid my being the cause of that being done, which is so much against my soul, my conscience, and my honour! I know very well that if the judges are impartial, and I am granted a hearing, my cause is gained, for no judge will be found unjust enough to condemn me," and she ended by begging that she might be allowed to plead her own cause. The king then said, "I am quite willing that it should be so. A counsel shall be appointed for your defence, and, moreover, you may send to Flanders for a jurist; but," added he, "this must be done forthwith, for the affair admits of no delay." *

As soon as the king had left her, the queen wrote to the Princess Margaret, regent of the Low Countries, to ask her to send two lawyers from Flanders, who could undertake her defence and plead her cause.

* Gayangos, Calendar, vol. iii, pt. ii, p. 842.

Some English bishops came again to visit her, and again preached the necessity of going into a convent. She had been so wearied and harassed by these perpetual attacks that she was, says Mendoza, in a pitiable condition.

CHAPTER XI.

Charles V.'s Letter—Mendoza's Communication with Campeggio—Odious Official Interrogatory that the Queen is compelled to Undergo—Effect produced by the Exhibition of the copy of the Brief of Dispensation asserted to be False—Attempts made at Rome and in Spain to procure the Original of this Document—The Queen's Advisers persuade her to write Herself to the Emperor to beg him to send the Original to London—Mendoza's Opposition—The King's Speech to the Aldermen—Moral Condition of the Court, and Increasing Favour of Anne Boleyn—Popular Discontent.

WHILE Catharine was surrounded with hostile conspiracies, her powerful protector, Charles V., did not allow the zeal he had from the beginning shown in her cause to relax for a moment.

On the 9th of November, 1528, reckoning that Campeggio must be in London by that time, he wrote a letter of minute directions to Mendoza, and especially insisted that the divorce suit must not be tried in England.

To attain this end, he sent him two protests against the selection that had been made of the two legates. The first contains, as it seems,* formal ex-

* The drafts of these protests have not been found.

ceptions against both of the judges as holding benefices from Henry VIII.; the second raised objections against Wolsey alone, as having published his opinion. He gave his ambassador full power to make use of either of these documents at his discretion.

He even authorised him not to make use of either of them unless Campeggio had received an express commission from the pope to pass judgment upon the validity of Catharine's marriage; in this case, he thought it would be wiser to dissemble.*

Nothing is more curious than to see what minute details a prince who had such enormous affairs upon his hands in Europe thought it right to give.

When Mendoza had mastered the instructions contained in this letter, he thought he ought to proceed to work upon Campeggio, and try to find out how the cardinal understood the aim and spirit of his commission; thus did this clever diplomatist catch and ably interpret his master's idea. So he went to see Campeggio before the end of November, and thus reports the result:

"I spoke some time ago to the legate (Campeggio), and, after congratulating him upon his coming [to England], told him how pleased your imperial majesty was at his appointment, knowing that a prelate of his parts and learning could never have accepted such a commission as this unless he were sure of doing some good in the affair, and promoting the

* Gayangos, Calendar, vol. iii, pt. ii, pp. 810, 811, 812.

welfare of Christendom at large. He began to recount most minutely the causes of his coming, and ended by expressing his opinion that the best way to avoid the embarrassments that might arise would be for the queen, of her own free will, to take the veil before her case was submitted for trial. My reply was that I never thought that his commission in coming to England as Papal legate could be to propose such a settlement of the question pending between the queen and her husband, especially in such troubled times as these, when it seemed to me that old quarrels and dissensions between Christian princes ought to be appeased instead of being stirred up. The queen's case, moreover, so nearly touched his imperial majesty, as well as his brothers, the Kings of Hungary and Portugal, that the emperor would never allow her to be unjustly treated. The legate's reply was that he was aware how much your imperial majesty took this affair to heart, as appeared from the written answer given (in Spain) to this king's herald; but if the queen persisted in her refusal, and would not take the pope's advice, he (Campeggio) could do no more in the matter than follow his instructions, which were not to deny justice to either side. I replied that the queen wished for nothing more than her right [to be heard], only that, her case being one of such importance, she naturally wished to have it decided at Rome. The legate assured me that the whole kingdom of

England together would not make him swerve from the right path. He was so far advanced in age that it befitted him rather to prepare to appear before God with a pure conscience than try to court the favour of any prince in this world. He would proceed in the affair with such justice and impartiality that nobody would have occasion to raise any complaint against him. He would not move a step in the affair without fresh instructions from Rome, and, should he receive any, would not fail to apprise me of them." Then he required and received a promise of the most absolute secrecy from Mendoza on these confidential communications.*

Five or six days afterwards, the queen received a strange visit, and had to submit to an interrogatory that she was far from expecting.

As the legates, in their last conference with her, had asked for any papers she had in her possession which might be useful in her suit, she had given them a copy of the brief of dispensation, the original having been at the time sent to Queen Isabella of Castille. Catharine had received this copy from Mendoza some time before. In the month of October she gave audience to two prelates who had been named as her counsel—Wareham, Archbishop of Canterbury, and Tunstall, Bishop of London, with some other persons of distinction. They told her that two questions had been put to them by the other party, and that they

* Gayangos, Calendar, vol. iii, pt. ii, p. 844.

were obliged to refer them to her. Thereupon they had to ask her, first, whether she had desired the king's death, and had conspired against his life, so that she might be free, she herself and her daughter, to marry as they pleased; secondly, whether she had any special reason for not having sooner exhibited the brief of dispensation for her marriage which she had lately placed in the legates' hands, and wished to know how she had procured it.

The answer was, as to the first question, "that she could not imagine that such an abominable accusation could come from the king, her lord, for he knew well that she prized his life more than her own, and that therefore there was no need for her to answer such a question as that; and respecting the copy of the brief of dispensation, she had not exhibited it before because she had never imagined that it would be required. As to who had given it to her, she stated that Don Inigo de Mendoza had sent it to her six months ago."

When the bishops had gone the queen sent Mendoza a message to tell him what had passed, and, as she was not sure of the exact date when the copy was given her, she told him what her answer had been, so that, if he were asked, his reply might agree with hers. This shows how prudent Catharine was, cautious, and attentive to the smallest circumstances; she would not expose a flank in any quarter to her accusers. Mendoza afterwards says:*

* Gayangos, Calendar, vol. iii, pt. ii, p. 848.

"The reason why they interrogated the queen as to whether it was true that she had attempted the king's life, that she and her daughter, the princess, might afterwards marry whomsoever they pleased, was solely from the king's impatience to have the separation hastily pronounced by Legate Campeggio before proceedings had been even commenced. Most likely the queen's enemies could not think of a more gratuitous or false accusation to serve their purpose than to make this king believe that he could not live with her except at the risk of his life. So great, however, are the avarice of the English people and the king's violence, that I am very much afraid witnesses will in the end be found to testify to anything whatsoever. Your imperial majesty may judge how difficult the queen's position is when accused of the very crime which has perhaps been attempted against her, and that in the name of the king, her husband, who must know her innocence.

"The queen has been advised by some who take an interest in her affairs not to show in any way that she hopes or expects to be assisted in her troubles by your imperial majesty. That, they say, would not help her cause in the least, but, on the contrary, prejudice it, as it might irritate the king. If he is to desist from his demand, it must be by convincing him that he can continue in his present matrimony without sin, not by any other considerations, much less that of fear of your imperial majesty."

In the same letter, according to very ill-founded public report, Mendoza expresses a fear that Campeggio might be accessible to corruption. Some said that the cardinal had received twenty thousand crowns, partly in presents, partly in gold. "For, though this king is generally very careful of his money, such is his passionate love for the lady (Anne) that he will spare nothing to see his wishes accomplished, and will put all his fortune at stake." That was true; it is also certain that money and valuable presents had been offered to Campeggio, but he had sent back the money and refused the presents. Henry VIII. had even offered him the rich bishopric of Durham,* but the honest cardinal would not hear a word of it. He preserved his independence completely throughout his mission.

As for the queen's English advisers, their conduct seemed suspicious, and they abused the influence given them by their position to engage her in proceedings that seemed contrary to her real interests.

We must first explain that the terms of the bull of

* Lingard translation, vol. vi, p. 211. (It is not to be found in the English edition of 1838. Ed.) It seems that, when Campeggio had refused the bishopric of Durham, the revenues, amounting to twenty thousand pounds, were given to Lady Anne for a whole year. Howard, Wolsey the Cardinal and his Times, London, 1824, s. I., p. 437. Burnet has the audacity to say that Campeggio had brought an illegitimate son with him to England. Now the cardinal had been married before he was a priest, and only took orders at an advanced age. So his son Rodolphe was legitimate.

dispensation granted by Julius II. had been held to be quite insufficient, and that Wolsey had contrived a fresh plan of attack on this ground. But the copy of the brief furnished by Catharine upset this plan completely, for the brief had provided for all the omissions of the bull. Neither the cardinal nor Henry VIII. suspected that this document had been sent into Spain to Ferdinand and Isabella, and that the original was safe in Charles V.'s hands. Then the divines and doctors in attendance on the king did not scruple to raise objections against the authenticity or fidelity of the copy produced by Catharine. They said that if the brief had really been the work of Julius II. a minute of it must be found on the registers in the Vatican, and the king sent instructions to his ambassadors to make inquiries for it; but in addition they said that the emperor had only to send the original of the brief, as it was in his possession, to London, and an examination could be made whether it bore the marks of authenticity.

Mendoza informed the emperor of these fresh facts. He said some friends of the queen were afraid that the last English ambassador sent to Rome in great haste, with his hands full of gold, might be intended to bribe the cardinal datary (Giberto), and to purloin the register, or to falsify the original brief of dispensation, so as to destroy its force. He says:

"The queen has sent me a message to this effect, requesting that I would communicate the intelligence

to the imperial ambassador at Rome. I have complied with her wishes and written to him (Muxetula), not by special messenger, owing to the roads in Italy being, as I am told, intercepted by the Venetians, but through a merchant of this place. May my letter reach him in safety, that the imperial agents near the pope may be warned against the designs of these people, who, after accusing the poor queen of attempting the life of her husband, will not certainly scruple to falsify the draft of the dispensation brief, or cause the original register to be conveyed where it will never be found again. As I have said over and over again, had the attested copy arrived [from Spain], or were it to come soon, much mischief might be avoided; but such is the king's impatience, and the pressure he puts upon those who are conducting this affair, that I am very much afraid, unless at the moment I write the document is already on its way, it will come too late." *

In another place he insists that the original of the brief must be carefully retained and preserved at Madrid. He thought that Henry VIII. would be capable of making it disappear as soon as he got it

* Additional letter of Nov. 19. Gayangos, Calendar, vol. iii, pt. ii, pp. 849, 850. Mendoza elsewhere explains that the king had both the copy of the bull and the original of another brief sent in Henry VII.'s time. But the brief that Isabella had received in Spain just before her death was more explanatory, and established the queen's right to marry again whether her first marriage were consummated or not. Brewer, Letters and Papers, p. 2,297.

into his possession. He suggested that a new certified copy should be made in Spain in the presence of the ambassadors.

Wolsey, on the other hand, wishing to procure the original document at any price, thought it would be a masterpiece of cleverness to get it demanded from Charles V. by the queen herself. So he managed to indoctrinate her chief advisers, telling them that an inspection of the original of the brief would dissipate all doubts and prove its authenticity, and also that a simple copy would have no weight before a regular tribunal.

The queen's advisers, therefore, prepared a very curious document, published entire by Professor Brewer in his collection.* They began by repeating the arguments suggested by Wolsey, representing to their august client that, if she did not do as asked, she ran the risk of having her marriage annulled and her daughter declared illegitimate.

"This may easily be done if you write to the emperor that your counsel has shown you that the original of the brief must be produced. The lacking thereof might be the extreme ruin of your affairs, and no little danger to the inheritance of your child.

* Letters and Despatches. Introduction, vol. iv, p. ccccxxiv. It is headed, *Advice to be given to the Queen's grace by her counsel*, and is in Wriothesley's hand, who was at this time either under-secretary to Tuke or Cromwell—that is, in the service either of the king or Wolsey. Brewer, Note. Therefore it was put into the queen's advisers' mouths by the adverse party. (Ed.)

You shall further say you have promised to exhibit the original here within three months; failing which, sentence will probably be given against you. If you do not succeed in this, it will be much to your hindrance, for if we ourselves were judges in this matter, and should lawfully find that where ye might ye did not do your diligence for the attaining of the said original, surely we would proceed further in that matter as the law would require, tarrying nothing, therefore, as if never any such brief had been spoken of.

"It is desirable also that you should write to the emperor's ambassador, from whom you had the copy, to support your application. If the emperor utterly refuses, then the queen must protest that as it is her own she will sue to the pope for compulsories, and adopt other remedies as shall be thought convenient; but she hopes she will not be driven to use such extremities. And to the intent that the king and his council shall not think that she intends any frivolous delay, it will be expedient that she declare in the presence of a notary that she intends not to use any delay, but will recover it with all diligence, *bonâ fide*, and when it is sent it shall be exhibited." *

This last demand, showing an insulting want of confidence, was no doubt also suggested by Wolsey. We do not know if such a declaration was made by the queen, according to her counsel's advice, drily

* Letters and Papers, Brewer. Introduction, vol. iv, p. ccccxv.

enough expressed as may be seen. But what is quite certain is that she wrote a letter to the emperor of the kind the prelates, her advisers, wished, desiring him to be satisfied with keeping a certified copy for himself, and sending her the original brief.*

This letter was entrusted to her chaplain, Thomas Abel, for transmission to her nephew, Charles V. But Abel, in the same parcel and the same conveyance, sent another letter to the emperor, written by himself, and informing his majesty that, in claiming the original of the brief, the queen did not express her real desire, but had acted under pressure of a sort of moral violence. He added that she begged him to do everything in his power to have the suit transferred to Rome, for she could expect no justice in England. Lastly, he requested, in the name of the queen, that the imperial ambassador at Rome, Muxetula, should be informed of her real situation, her almost complete want of liberty; and that he should be requested to tell all this to the pope, in explanation of the queen's silence.

The king had also taken umbrage at the acclamations and tokens of respect which were paid to the queen as she passed through the city. He was much angered at the symptoms of his own loss of popularity and its transfer to her; and his ill-

* Brewer says this letter is preserved in the archives at Simancas, but we cannot find it in the last volumes of the Calendar edited by Gayangos.

humour had been increased by stories that the emperor had boasted that, whenever he chose to give Henry's own subjects a leader, together with some assistance, he could overthrow his throne. The king therefore arranged this scene to stifle any notion of insurrection by intimidation. This scene is very forcibly described by the French ambassador, Du Bellay.

"On Sunday week * the king made a great representation of this affair to the lord mayor and council of London, who were all assembled, with those of his privy council, and a greater part of the lords of the land, and other personages having charge of his affairs in different places. He spoke of the good turns done him by the emperor, both in the present and the past; and on the other hand the great friendship shown him by Francis, declaring that the scruples of conscience he has long entertained have terribly increased upon him since a French bishop (De Tarbes), a learned man, who was then ambassador here, had spoken of it in his council in terms dreadfully plain, so that he was anxious to secure the succession of his realm, and wished to learn from his good subjects and friends what was to be thought of it in law and reason; that he was determined to follow entirely what was reasonable, and that if, meanwhile, any man should speak of it in other terms than he ought to speak of his prince, he would

* November 8th.

let him know that he is master. I think he used this expression, 'that there was not a head so dignified *(si belle)* that he would not make it fly.'" *

There was in it a kind of reminder of Buckingham's execution, a sort of flash of the sword soon to be handed to the executioner, a kind of awful proclamation of the era of tyranny dawning upon England.

Some days later the same ambassador, in the course of his diplomatic correspondence, faithfully described the situation of the Court, the king's policy, and the interference of his police in the disturbed and secretly agitated country.

"Mademoiselle de Boulan is at last come † thither, and the king has lodged her in a very fine lodging, which he has prepared for her close by his own. Greater court is now paid to her every day than has been to the queen for a long time. I see they mean to accustom the people by degrees to endure her, so that when the great blow comes it may not be

* Letter of Jean du Bellay, November 17th, 1528. Letters and Papers, Brewer, vol. iii, pt. ii, p. 2144. Histoire du Divorce of Joachim Legrand, vol. iii, pp. 218, 219.

† Henry VIII., with a reasonable respect for conventionality, and perhaps by Wolsey's advice, had sent Lady Anne some time before to her father. When he wished to recall her the young lady received her royal lover's invitation with a show of disdain. At last she yielded, not to the king's orders but to her father's entreaties. This little scene was admirably played. This is the reason of Du Bellay's expression, "at last." See also Lingard, vol. vi, pp. 140, 141.

thought strange. However, the people remain quite hardened, and I think they would do more, if they had more power; but great order is continually taken." *

That is to say that the revulsion of general feeling was suspected, and popular discontent closely watched by authority.

* Letter of December 9th. Letters and Papers, Brewer, vol. iii, pt. ii, p. 2,177. Histoire du Divorce, J. Legrand, vol. iii, p. 231.

There is a most remarkable letter from the emperor to Catharine, dated September 1st, 1528:—"Now I hear that Cardinal Campeggio is going to England, but I am certain—because the pope writes me so—that nothing will be done to your detriment, and that the whole case will be referred to him at Rome, the cardinal's secret mission being to advise the king your husband to do his duty." Gayangos, Calendar, vol. iii, pt. ii, p. 781. (Ed.)

CHAPTER XII.

Montoya, Catharine's Agent, sent to Spain—Secret Communications between the Queen and Muxetula, the Emperor's Ambassador to the Sovereign Pontiff—Henry VIII. sends to Rome first Bryan and Vannes, afterwards Knight and Benett—Strange Instructions that he gives them, and his Recourse to the Pope's Absolute Power—His Miserable Trickery against the Queen—Catharine's Touching Complaints and Protestations.

THE unseen struggle between Henry VIII. and Catharine continued. The king's attempts were repeated, both upon Clement VII. and the Pontifical Court, and upon the two legates in London; countermines were sprung by Charles V. and his agents, with unfailing attention and forethought.

The bad effect that might have been produced upon Charles V. by the letter the queen had been forced to write had been neutralised either by that of her chaplain, Thomas Abel, or by Mendoza's despatches. But that was not all. After Catharine's agent, Philipp, had returned to London, she obtained the king's permission to send an officer of her household, named Montoya into Spain. She gave him no letter, either in ordinary writing or in cipher. She only

sent a verbal message, and Mendoza made him almost learn by heart* what he was to say confidentially to the emperor. Montoya was to enlighten the emperor as to the moral constraint that Henry VIII. was exercising over the queen, and repeat to him that no account was to be taken of her last letter, nor of the wish she expressed to be judged in England as soon as possible.

Campeggio continued to oppose the power of inertia to Henry VIII. The king supposed, with some reason, that the cardinal was fettered by instructions he received from Rome.† So he determined to send fresh agents to Italy. Mendoza says "that these agents were well provided with false tales, and every possible means of corruption; the queen is greatly alarmed."

The new ambassadors were Vannes and Sir Francis Bryan; their mission was not only to demand that Campeggio should be hurried, but to contend against the efforts the emperor was said to be making to conciliate the pope.

Muxetula, the imperial ambassador at Rome, was

* Gayangos, Calendar, vol. iii, pt. ii, pp. 884, 885.

† See a letter from Sanga, the pope's secretary, who writes to Campeggio that he was especially to endeavour to make Henry VIII. renounce his plan of divorce, and persuade him to restore his affection to the queen. This was easier said than done. Sanga also told him he was not to move a step more without fresh instructions from the pope. Letter quoted by Brewer. Introduction, vol. iv, p. ccccxix.

informed of these new diplomatic manœuvres, and he acted with indefatigable vigilance and zeal to disconcert all the intrigues going on around the pope, and protect his master's and Queen Catharine's interest. She knew it, and wrote him a very flattering and grateful letter.

"AMBASSADOR,

"Your letter enclosing papers has come to hand. I thank you very much for the diligence and care you display in my affairs, without my having directly applied to you. Be sure that you will always find a true friend in me to do you any favour within my power. I beg you to continue in future as hitherto, and follow up this cause as it has begun. Let me know what answer His Holiness makes to your representations and petitions on my behalf. I shall feel grateful for this and any other service you may render me, and will not fail to apprise the emperor, your master, of any further steps taken in my defence. In all other matters you shall give full credence to Don Inigo de Mendoza, the emperor's ambassador at this Court, to whom I am as much indebted as I am to yourself, for the trouble and pains you have taken in my affairs. His letters will inform you of the proceedings.

"Anton Curt (Hampton Court) this 25th of January, 1529."*

Thenceforward Muxetula might consider himself

* Gayangos, Calendar, vol. iii, pt. ii, pp. 880, 881.

to be Catharine's accredited agent; he possessed written proofs of her real intentions. Thanks to Mendoza, who wrote to him often enough, he was kept awake to all the plots hatched in England, and was always ready to act at a moment's notice.

Catharine's letter was at the same time an implied ratification of the protest* made in Charles V.'s name in the summer of 1528, by this same ambassador, against the proposed divorce announced at this time by Henry VIII.

Muxetula, being himself neither canonist nor divine, wished the queen to have a lawyer at Rome in special charge of her case. Mendoza replied that the queen was too much beset and watched to be able to correspond freely with an agent of her own, and told him at the same time that he had persuaded her to write a letter with her own hand to the pope, to tell him her real wishes. He says,

"As your worship wrote that your stay [at Rome] would not be of long duration, the letter will go under cover to Cardinal Santa Croce, to whom, in case of your worship having already left Rome, full

* A copy of a protest is preserved in the imperial archives at Vienna, presented at Viterbo to the pope on July 20, 1528, by Giovanni Antonio Muxetula, patricius Neapolitanus thus docketed (Rep P, Fax C, 224, No. 21), Copie de l'acte de protestation faicte de la part de l'empereur par devant le pape à Viterbo contre tout ce qui se faisait en Angleterre en la cause du divorce. Note to Calendar, Gayangos, vol. iii, pt. ii, p. 884.

The emperor in a letter to Mendoza, p. 810, also mentions the protest. (Ed.)

instructions shall be sent of the present cipher. Your worship is requested to inform the cardinal, or the imperial ambassador who may remain in charge of the embassy after his departure, that I (Don Inigo) happen to know from a good source that the Kings of France and England, together with Cardinal (Wolsey), are pressing the pope to go to Avignon, whither they themselves offer to go and meet him, to devise means for preventing the emperor's journey to Italy." *

Mendoza again begs the ambassador to cause search to be made at Rome to see if the minute of the brief of dispensation held by Charles V. can be found.

Thus Cardinal Santa Croce and Muxetula received important papers, and all possible information to enlighten them as to the state of affairs, and so were strongly armed to contend with the new English ambassadors.

These arrived at Rome with very detailed instructions, very full and insidiously contrived. The emperor was accused of a desire of making himself master of Italy, and of taking Rome for the seat of his empire, and of having even invoked the aid of ancient prophecies in support of these ambitious designs. The ambassadors were to collect all these scattered rumours, however childish, and give them consistency.

* Gayangos, Calendar, vol. iii, pt. ii, pp. 882, 883.

They were also to dazzle the pope's eyes with the powerful and effectual assistance that Henry VIII. and Francis I. would give him, and their promise to provide him with a chosen band of body-guards; the ambassadors were to be careful to contrast the selfish demands of Charles V. with the devotion and disinterestedness of the King of England. Then they were, with much caution, to approach the inquiry into the secret reasons why the proceedings necessary before pronouncing judgment on the divorce business were not according to their ordinary course, but seemed hampered by orders from Rome. Then the sovereign pontiff's attention was to be called to a copy of a brief, alleged to be authentic, produced by the queen, that had never been heard of till then, neither in the days of King Henry VII., nor the time of Ferdinand, nor under Leo X.; and, if there was no trace of it existing in the Roman cancellaria, they were to require Clement VII. to declare the document fabricated and false.

In these instructions, signed by the king himself, the ambassadors are also desired to retain for the side of the divorce cause, by suitable payments and secret agreements, the best advocates and most learned canonists to be found in the Eternal City, "and must learn from them whether, if the queen can be induced to enter into lax religion, the pope may, *in plenitudine potestatis*, dispense with the king to proceed to a second marriage, with legitimation

of the children; and, although it is a thing that the pope perhaps cannot do in accordance with the divine and human laws already written, using his ordinary power, whether he may do it of his mere and absolute power, as a thing in which he may dispense above the law; what precedents there have been, and how the Roman Court shall define or determine, and what it doth use or may do therein, so that no exception, scruple, or doubt may be hereafter alleged in anything that shall be affirmed to be in the pope's power. Similarly, as the queen will probably make great difficulty in entering religion or taking the vow of chastity, means of high policy must be used to induce her thereunto; and, as she will perhaps resolve not to do so unless the king will do the like, the ambassadors must find out from their counsel if, to ensure so great a benefit to the king's succession and realm and to the quiet of his conscience, he takes such a vow, whether the pope will dispense with him for the said promise or vow, discharging him clearly of the same, and thereupon to proceed, *ad secunda vota cum legitimatione prolis*, as is aforesaid.*

"Furthermore to provide for everything, as well *propter conceptum odium* as for the danger that may ensue by continuing in the queen's company, they shall inquire whether the pope will dispense with the

* If the pope had this power, what becomes of the argument from Leviticus against marriages between brother and sister-in-law?

king to have *duas uxores*, making the children of the second marriage legitimate as well as those of the first; whereof some great reasons and precedents, especially of the Old Testament, appear."*

This is a specimen showing to what had come the mind of Henry VIII., who signed these strange instructions. It is well known that the leaders of Protestantism in Germany allowed† that in certain cases bigamy might become a legitimate necessity. But the Church of Rome has more self-respect, and more respect for the traditions that she holds from the Saviour and his apostles. If such a request had been addressed to the pope, he would have felt deeply outraged in his pontifical dignity.

Happily, Henry, in a kind of postscript, desired Bryan and Vannes not to execute the last part of his instructions, until they should have conferred with two fresh ambassadors, who he said would soon arrive—Knight, his private secretary, and Doctor Benett.

Indeed, in his impatience to end the matter, the king had chosen to add these two diplomatists to the others, who had only started a few days sooner. Benett and Knight themselves took with them Doctor Taylor, and, as they went through France, they all waited upon Francis I. They talked to that king about the late production of the brief, said they

* Letters and Papers, Brewer, vol. iii, pt. ii, p. 2158.

† Melancthon in the case of the Landgraf of Hesse.

thought it false, and lately forged to meet the requirements of the case. It seemed as if there was no affair more important, not only in England, but at Rome, and in all Europe. The ambassadors were not to let anyone guess how bitter would be the disappointment and deep the grief of Henry VIII., if it were proved that the suspicions of falsity were unfounded. They were to learn what their forerunners had effected towards obtaining evidence of the falsity of the document. The king did not wish to appear as a party before the Court of Rome, as that would have implied his acceptance of the pope's jurisdiction; he desired that his ambassadors should try to lay before the pope, as a case of conscience, the doubts that Henry had conceived as to the authenticity of the brief just produced. They were instructed to say "that the king, having his mind fixed on the certainty of eternal life, hath in this cause put before his eyes the light and shining brightness of truth, as the best foundation for the tranquillity of his conscience, knowing, as the apostle says, that there is no good foundation except that which Christ has laid; and that the king, finding his conscience touched by plain suspicion of the falsity in the brief, has recourse to the only fountain of remedy on earth —the pope himself.

"They shall desire him to set aside all vain allegations, and in this matter bring the truth to light; and, considering the importance of the thing, how

many may be touched by it to urge that by consenting to put an end to the cause, as he may do by the plenitude of his power, all suspicions may be removed. They shall also obtain a commission decretal to the legates to pronounce the breve forged. If the pope will not consent, they shall deliver to His Holiness the other letters of the two legates desiring the avocation of the cause, and a written promise from the pope to give sentence in the king's favour, on certain grounds of which a summary is sent; *e. g.*, that the emperor will not send the brief, that the brief is false on the face of it, and that the king is in great perplexity, and his health is in danger, &c. But they shall obtain a promise from the pope before the avocation."*

We can hardly believe our eyes when we read such things! It really seems as if Henry had lost his head, and a species of madness seems to be visible in the midst of all his diplomatic villainies.

There were also instructions from the legates urging the despatch of the business, and apologising for the king, saying that it was not for the sake of pacifying his passions that he desired the voiding of his former marriage, but that in the interest of the country he wished for a family, and male children.

Unhappily there is only one copy of this paper,

* Letters and Papers, Brewer, vol. iv, pt. ii, p. 2160. Introduction, p. ccccxxxii.

and it is not believed that Campeggio signed it.*

Whilst Henry VIII. was thus intriguing at Rome he was also at work upon his unhappy wife herself. He would not give her liberty of defence nor power of appeal, which he would not have refused to the least of his subjects. He had sent away the Spanish advocates associated with Catharine's counsel, as being harder to influence than natives of his kingdom. Now he made use of the legates themselves to procure the queen's submission, persuading them to employ in turn cajolery and menaces. Most odious espial was directed on the details of her private life.

Thus, when Henry had abolished the household, and dismissed the Court of the Princess Mary, she had returned to her mother. Now Catharine was accused of a habit of savage and morose devotion unseasonable to the youth around her. The queen, thinking she ought to give her daughter some diversion, so as to prove that her piety was not so narrow, without having anything that could be called an entertainment, let her dance sometimes with her companions. The opportunity was seized of blam-

* See a note of Brewer. Introduction to vol. iv, p. 2162. "The reader must be on his guard against supposing that any of these drafts were really sent or submitted to the persons to whom they are addressed. They are probably, like other papers on the question of the divorce, devices which occurred to the king or Wolsey from time to time, and might or might not be used as occasion served." (Ed.)

ing her roundly for this great impropriety. The legates were to tell her that she ought not to amuse herself while the king was sad and pensive, on account of all that was going on. And what was Henry about? He was going, no doubt, without much publicity, it is true, to lighten his sorrow and cheer his pensiveness by Anne Boleyn's side, in her fine apartments at Greenwich.

That was not all! He caused reproaches to be made to Catharine on account of the acclamations in her favour that met her when she showed herself in London, and the dislike of the people to Wolsey and the king himself. He pretended to see in it proofs of a secret conspiracy against the whole English government!

Meanwhile the unhappy queen told the Spanish doctor, Vives, confidentially—"The queen began to open to him—as her countryman—her distress that the man whom she loved more than herself should be so alienated from her that he should think of marrying another; which was the greater grief the more she loved him. The queen desired him to ask the imperial ambassador to write to the emperor to do what was just with the pope, lest she should be condemned without being heard!" *

* Doctor Vives, whom Catharine had wished to place among her advisers, was sent away by Henry VIII. as being a Spaniard. But he remained some time longer in London to give the Princess Mary Latin lessons. See his letter in Letters and Papers, Brewer, vol. iv, p. 2166.

CHAPTER XIII.

Casale's Unsuccessful Attempts to accelerate the Divorce Case—Two other English Agents, Bryant and Vannes, sent to Rome to work in the matter of the Brief alleged to be False—Their Objections refuted by the Imperial Ambassador—Micer Mai and Cardinal Santa Croce—Wolsey's Political Strategy finds no Favour, either at Rome or in London—France makes Overtures to the Emperor—Clement VII.'s Illness—Wolsey's Candidature for the Pontiff's Chair—Clement VII. recovers, and is beset by the English Agents—He resists them with Unconquerable Decision—He has a Long Conference with Micer Mai, and gives a Promise that he will never Assent to the Divorce—Micer Mai gives him an Affecting Letter of Queen Catharine—Vain Complaints of the English Ambassadors.

CASALE, the regular English agent at Rome, had been desired to endeavour to induce the pope to send orders to Cardinal Campeggio to communicate to Henry's privy council the pontifical commission, giving him the fullest powers to proceed to the judgment of the divorce, and to authorise him to act as speedily as he pleased. The pope replied that Campeggio had burnt it, in accordance with the instructions lately sent him, and that he had done right. "But," he added, "that he (Campeggio) would proceed whenever it was required, but he was

instructed to send word to Rome when the process commenced." *

Casale objected that the pope had been brought back to the emperor's party by a promise of the restoration of Cervia and and Ravenna, parts of the states of the church, which were still retained by the Venetians. Wolsey was already aware of the pope's ardent desire to recover them. But how could this sacrifice be demanded from such a power as Venice, unless with the support of France? But France refused when she was applied to for her assistance.

When our ambassador communicated this refusal to Wolsey we are assured that this old statesman shed tears. This humiliating check to his diplomacy was destined to entail many others; and he foresaw this with a kind of terror.

On their arrival, Bryant and Vannes obtained information confirming Casale's reports. The pope and his advisers recognised that the emperor was all-powerful in Italy, and that a second occupation of Rome was not impossible. Moreover, the emperor threatened the sovereign pontiff with the convocation of a general council, and this terrified the weak and timid Clement VII.†

The ambassadors' first proceedings were directed

* Letters and Papers, Brewer. Introduction, vol. iv, p. ccccxliii.

† Letters and Papers, Brewer, vol. iv, pt. ii, pp. 2105, 2186. Clement VII. was illegitimate, and therefore legally ineligible as pope. A general council must have declared his election void. This gave power to the threat. (Ed.)

against the brief so unexpectedly produced by Catharine. They said they could not understand how the document could have been sent to Ferdinand in Spain, unknown to anyone, while the authentic copy of the bull had been addressed to Henry VII. in England, at his request. What was the use of this double process? They were anxious to search the Vatican registers, and did not find a minute of the brief. Besides, they said that the two documents purporting to be written the same day, at the beginning of the year, could not have been signed by Julius II., for the ecclesiastical year of Rome begins on the 25th of December of our common calendars, and at that time Julius II. had not become pope.

But this objection proved too much; for it applied to the bull as well as the brief, and the fact of the bull was not contested.

As to Clement VII., in the preparation of a brief, perhaps only a few hours later than the bull itself, he only saw Julius II.'s deliberate intention to confirm, and perhaps explain, the dispensation already given. Besides, he thought he could not decide a point of fact like a forgery in an authentic document in virtue of his infallibility, since that ought to be reserved for doubt in points of doctrine and morality. He said that the emperor's explanations must be awaited; for that prince had sent information to Rome that he was in possession of the original of the brief in question in Spain, that he would exhibit

it to several ambassadors, especially to the English, and that, until a formal demand had been made upon the Spanish government to thus produce it, no accusation of forgery could be brought against King Ferdinand or the emperor Charles V.

The ambassadors also proposed assistance to the pope, to provide him with a guard of honour, etc. And as Clement VII. received all these offers of service very coolly, they ventured to say, on behalf of Wolsey, "that the emperor for some time had become conciliated to Henry VIII., and that he might do himself the pleasure to condescend to the king's desire." *

But Wolsey did not suspect that Muxetula and Cardinal Santa Croce were well informed of all that passed in England, and perhaps only the night before had told the sovereign pontiff the very reverse of what the English ambassadors affirmed.

Everything was turning against the unhappy Wolsey. The English divines would have been of opinion that the local jurisdiction was competent to decide the divorce case, certainly in the first instance.†

* Reference not given. We find in Letters and Papers, Brewer. Introduction, p. ccccxlvii, "What those ends were, the cardinal did not scruple to inform the ambassador." By taking this presidy the pope would be brought to have "as much fear and respect towards the king's highness as he now hath towards the emperor, and consequently be the gladder to grant and condescend unto the king's desire." (Ed.)

† This was the course Napoleon I. adopted to cause his mar-

But Wolsey dreaded that such a course might lead to a complete separation, that is to say, a schism between England and Rome. In order to maintain the bonds of union between England and the Catholic church he had devised that a demand should be made for one of the two judges in the divorce suit to be a representative of the pope, and that, in virtue of this qualification, he might give judgment in first and last instance. Clement VII. did not choose to make this arrangement, and always reserved cognisance of the case on appeal to himself. Wolsey thought that the pope would be thankful to him for having asked for a second judge and legate from Rome. Clement, overwhelmed with cares and anxieties, both for the sorrows of Italy and for the consequences of the Lutheran heresy in Germany, would have much preferred, at such a moment, not to have besides on his hands this delicate and difficult business, bringing him into all kinds of difficulties with the King of England and the emperor.

Thus Wolsey had by no means gained the pope's good-will, by an expedient which he thought was a concession to the pope's prerogative, and all the Boleyn party began to be alienated from him, on account of his ill-success in the conduct of the divorce suit. Lady Anne had for some time shown the

riage with Josephine to be annulled, and to be set free to marry Marie Louise of Austria. But Napoleon had taken his measures to prevent any appeal being made to Rome against the decision of the Paris courts.

greatest exasperation against the minister, on whom, but a few months before, she had been lavishing assurances of the warmest gratitude. She supposed that this statesman was playing a double game, and was endeavouring, in secret, to delay the judgment of the suit, "from fear of losing his power the moment she becomes Queen of England. This suspicion of the lady," says Mendoza, "has been the cause of her forming an alliance with her father (Viscount Rochford), and with the two Dukes of Norfolk and Suffolk, to try to see whether they can conjointly ruin the cardinal. Hitherto they seem to have made no impression on the king, save that the cardinal is no longer received at Court as graciously as before, and that now and then King Henry has uttered certain angry words respecting him. It is not likely, however, that his displeasure will take any other form for the present."*

There was a circumstance that might have appeased the king's impatience and quieted his ill-humour, which was that Lady Anne was said to be relaxing her apparent strictness. According to Du Bellay, whose language is less serious and less diplomatic than Mendoza's, "I strongly suspect that for some time the king has been very closely intimate with Mademoiselle Anne, and so you must not be astonished if they wish to hurry the divorce." And then he

* Letter of Mendoza to the emperor, Feb. 4th, 1529. Gayangos, Calendar, vol. iii, pt. ii, pp. 885, 886.

mentions rumours as to the necessity of a speedy marriage, and a decision to legalize it.

In his extremity Wolsey induced Du Bellay to write to the King of France, and claim his support with the pope in Italy. He wrote at the same time to Hacket, the diplomatic agent employed by England at the Court of Flanders, to ask information respecting the relations between the emperor and Francis I. Du Bellay reminded his Court that Wolsey had always been favourable to the French alliance, and that he had refused the most flattering and brilliant offers of Charles V. in order to be faithful to it. Francis and his mother transmitted to the ambassador expressions of their great gratitude to the cardinal. But they only gave very vague hopes of effective assistance in Italy. And that is not surprising, for, just at the very time when he was giving fair words to the English minister, the king was secretly working for terms of peace with the emperor.

Hacket wrote to Wolsey at the end of the month of January:

"I have been secretly informed, by two men of credence, that the French king and the regent have a secret conveyance (communication) with my lady (Margaret) and Hogestrath to make peace with the emperor unknown to the king or Wolsey. My lady (Margaret) said last night that Madame de Pinnay (Espinay), who came lately from France, was told by

the French king to show verbally to my lady that the French king is willing to come to an agreement with the emperor, and that if the emperor and he were at agreement they would cause the king (Henry) to leave some fantasy that he has afore him. Told my lady that it was indiscreetly spoken for a noble prince. She answered, 'Monsieur l'Ambassadeur, you may do all that you like to oblige the French, but, when you have done all, you will find they are not to be trusted.'"*

Wolsey did not take much account of this letter, because he looked upon Hacket as a man of no great sagacity, and likely to take the merest gossip seriously. He also communicated this information to Du Bellay, and was completely reassured by him. Yet it is very remarkable that a statesman generally so attentive as the cardinal should have neglected such information, and not troubled himself about it at all. Yet, in view of the increasing difficulties of the situation, he determined to send Gardiner to Rome, to assist and direct the other ambassadors.

Very soon after this diplomatic agent set forth on his journey a great piece of news came to distract Wolsey's mind from any other thoughts; namely, a dangerous illness of Clement VII.; indeed, a report of his death.

The King of England immediately thought of pro-

* Letters and Papers, Brewer. Introduction, vol. iv, cccl and li, and pt. ii, p. 2283.

curing the election of Wolsey to the Papacy in case of a vacancy. The cardinal himself passionately desired the tiara, either to gratify his old ambition, or as a means of escape from the inextricable difficulty that had overtaken him in England. The King of France promised his support in the conclave. A calculation was made of the probabilities of the votes. It was found that the Anglo-French party might reckon upon twenty voices, and there were only thirty-six cardinals in all, and of them five or six more might be won over.* But Providence prolonged the days of Clement VII., and put an end to these odious calculations and speculations on the presumed approach of his end. He had hardly become convalescent† when the English agents made their way even to his bedside, and tried to take advantage of his physical weakness to obtain what they wanted from him. But all their prayers and threats were wrecked against the pope's wisdom and firmness. He said he could not deprive Catharine of the privileges allowed by canon law to every accused person

* See the nominal list of cardinals of the two parties, with notes on each of them. Letter of Carpi, the French agent, dated Feb. 2nd, given in the third volume of L'Histoire du Divorce, by Joachim Legrand, p. 299 et seq.

† Lingard, vol. vi, p. 147. Indeed, they hardly awaited his convalescence; for, according to Henry VIII.'s instructions, the ambassadors were to force an entry to the pope, and to see him even *in articulo mortis*, in order that he might be the more disposed to justice as being just about to appear before his God. Brewer, Calendar. Introduction, vol. iv, pp. cccclvii, lviii.

or defendant in any suit. That the *plenaria potestas* did not authorise him to change the true into false, nor the just into the unjust. He was greatly devoted to the king, but could only do him services compatible with reason and equity. His expression was that the king had a good place in his Pater noster, but none in his Credo.

All the expedients of the English diplomatists fell impotent, all their hopes failed. Thus Vannes wrote that, even if the queen were to take the veil, the pope, having consulted with the most learned canonists at Rome, had declared that, according to their advice, he would have no right to allow the king to contract a second marriage.

As to the supposed forgery, Clement wrote himself to Henry VIII. on the 29th of April, 1529, that he could not give a decision on this point till he had heard both sides.

The pope had offered to send a special delegate to Spain to examine the original on the spot, and compare it with the copy, in concert with the English ambassador. But Gardiner and his colleagues would not consent; time pressed, and an immediate decision was needful. Gardiner did not spare the wretched pontiff some violent scenes, even while he was writhing with pains that seemed to be the agony of death. Yet Gardiner could get nothing out of that valiant spirit which continually rose above

bodily suffering. In vain did he and his colleagues demand the publication of the bull of decretal, containing the original commission, and insist on a promise of ratification of the legate's sentence at Rome, in case of its being unfavourable to the queen. They had to be contented with further powers for the cardinals, and, as this first *pollicitation* did not appear sufficient, a second was obtained, more distinct and more extended, under specious pretexts.*

But as the pope in this document did not renounce the right of receiving an appeal from the adverse party, nor of transferring the cause, if need arose, the ambassadors' success was very incomplete. One of the number, Bryant, a cousin of Anne Boleyn's, wrote her a letter disguising a portion of the truth, so as not to discourage her. But in his correspondence with Wolsey he more frankly lamented that the dexterity displayed by Gardiner, Vannes, and Gregory Casale had been useless, and that their efforts, as well as his own, had been thrown away.†

On their side Charles V. and his ambassadors did not remain inactive. In order to cut short the arguments of the English agents the emperor had proposed to furnish the original brief, the copy of which had been impeached, but to show it to the

* See Burnet, Memoirs, and Lingard, vol. vi, p. 147.

† Brewer, Calendar. Introduction, vol. iv, p. cccclx. State Papers, vii, p. 166.

pope alone. Gardiner and his colleagues would not take any account of this offer, but it produced a great effect upon the mind of Clement VII.

The emperor, in his letters to his diplomatic agents, in the beginning of the year 1579, Mendoza in England, and Muxetula and Micer Mai at Rome, had never ceased to stir up their zeal in his aunt Catharine's cause.*

In one of these letters, February 5th and 6th, 1529, after accusing the English ministry and courtiers of perverting King Henry's mind by vile artifices and low intrigues, he tells Mendoza that it is necessary to demand that the decision of the divorce case should be transferred to the apostolic Holy See, even though the queen, under the influence of fear and even of violence, should oppose this measure, "protesting, of course, the nullity of action, and appealing to Rome, and, if necessary, to the next general council,† citing and summoning each and every one of them individually, and by their own names, to appear at the Court of Rome, or before the said general council, as it may be."

On the 16th of February following, he writes to Muxetula, his ambassador at Rome, "It is our duty, though the queen, desirous of avoiding scandal,

* Gayangos, Calendar. Charles V.'s letters.

† Gayangos, Calendar, vol. iii, pt. ii, p. 891. "Protestando de nullidad y appellacion pora la decha Sede Apostolica, y sino fuere para et futuro Concilio, y de emplazarlos a ellos, y cada uno dellosen su proprio y particular nombre."

had not applied for it, to claim in this instance the protection and favour of the Holy See, and to request that the case be tried before his sacred consistory, and the commission given to Cardinal Campeggio revoked. We, therefore, command you to beg His Holiness, in our name, to have the cause brought before his Court, notwithstanding any contrary steps taken by the new English ambassadors to prevent a thing so just and reasonable." *

Meanwhile Micer Mai, the Spanish envoy to the pontifical Court, had returned with all speed to his post, and had taken several steps there. On March 6th he wrote to his master, "With regard to the Queen of England's case, he (Mai) hopes that the first brief put for the pope's signature will be that for the adjudication of the suit at Rome."†

This hope was premature; for though the pontifical Court and the cardinals seemed inclined for the transfer of the cause to the Court of Rome their good intentions were paralysed by the queen herself not having expressed a wish, although Charles V. and his agents had acted for her, and in her name. This obstacle was soon to vanish.

By the 16th of March it is clear that events are drawing on. Cardinal Santa Croce wrote the following letter to the emperor, and it must have considerably advanced the solution of the question:

* Gayangos, Calendar, vol. iii, pt. ii, p. 895.
† Gayangos, Calendar, vol. iii, pt. ii, p. 917.

"To-day, the 6th of March, a packet of letters has been received from the imperial ambassador in England of the 25th of February. There is, inside, one from the queen to the pope, closed and sealed, asking him, as it is presumed, to have her case tried here [at Rome]. The queen having complained that she had no liberty to defend herself in England, it was resolved that she herself should write an autograph letter to the pope, stating her wishes. That has been done, as it would appear, with great difficulty, and is, most probably, the subject of her missive. The queen writes to him (Santa Croce), commanding him to put the letter into the pope's hands with the greatest possible secrecy, as she does not want anyone to know of it. The pope, however, is not well enough now to treat affairs of this kind. As soon as he recovers, the letter shall be given to him.

"Rome, 16th March, 1529." *

The cardinal wrote again on the 23rd of the same month: that the pope was completely recovered, and that he would immediately perform his commission.

Micer Mai, with the assistance of the lawyer to the embassy, Doctor Ferrando, an Aragonese,† was mak-

* Gayangos, Calendar, vol. iii, pt. ii, pp. 928, 929.

† He says he is satisfied with this lawyer, only that it was necessary to keep his eye upon him. The man was a Spaniard, but Micer Mai knew that English gold tried to tempt all consciences.

ing active search in the archives of the *datorium*, and elsewhere, for the duplicate or minute of the brief of dispensation sent to Spain. He could not find it; but he laid his hand on two subsequent briefs referring to it, and implying its existence.

Micer Mai then says he would be very watchful of the intrigues of the English ambassadors, and would unravel and disappoint them. He discovered the efforts they had made, and continued to make, to procure the condemnation of the brief produced by Queen Catharine, as tainted with forgery. The same agents had not given up their idea of forcing her to enter a convent. They added threats to persuasion. Jacobo Salviati, in order to overcome Micer Mai's resistance, dared to say and repeat three or four times that Catharine, for the sake of her salvation, ought to go into a convent. Thus, he said, she would be secured from any temptation to employ poison or assassination.

Lastly, the English ambassadors, still discourteous to the pope,* pretended that the emperor did not attach as much importance to the divorce as was averred. Micer Mai induced Clement VII., in a private interview, to repeat to him the allegations of these ambassadors. "When I heard the English ambassador express himself in this manner, I was on

* The English ambassadors assailed the Head of the Church with terms anything but courteous. Letters and Papers, Brewer. Introduction, vol. iv, p. ccccIxiv.

the point of making an angry answer, but the respect due to His Holiness made me refrain. I said, however, that I was really ashamed that men in his service should hold him in so small esteem as to entertain him with similar tales,* and that they should presume to spread and authorise in his presence at Rome, and, indeed, all over the world, the absurd inventions circulated in England. My impression was that the courtesy *(facilidad)* with which His Holiness treated ambassadors had encouraged them to such follies and lies. His Holiness would perhaps pardon me if I said that the French and English ambassadors were better treated at his Court than we the imperialists; for I had observed that, whilst he barely treated us with common courtesy *(vulgarmente)*, he received the others most graciously *(à la evangelica)*. The pope having asked what I meant by these words, I told him that there was a common saying in Spain that honest men were on the decrease,† and that such was evidently the case here also; for, seeing us so mild and obedient, he took from us all he could; whereas, the more insolent and overbearing the others were, the better he was pleased, and the more he attended to their pleasure and comfort, as with the prodigal son in the Gospel.

"As to their arguments in proof of the invalidity

* Que tenia verguenza eu su servi que le toviesen en tan poco que le acometiesen destos bellaguerias.

† El hombre honrado sempre va a menor.

of the brief, I said that it was no new thing to write out a bull or a warrant of some king, and then find that there was something wanting in it. In such cases, rather than have the bull or warrant amended and re-written, it was customary to draw out a brief or private letter. I myself had seen a thousand of such letters at the Court and council of the emperor, and I knew it to be the practice of all European Courts. To this assertion the pope assented, and said that the same thing was done at Rome. To their objection that the entry in the register-book could not be found, my answer was that His Holiness was well aware, and could, if necessary, testify, that briefs were not generally registered, either formerly or at the present day; which assertion of mine the pope also corroborated with his testimony. Besides, I added, who can tell me that the English ambassadors, seeing the interest their master takes in the disappearance of the said instrument, have not had it stolen and made away with? To their allegation that similar deeds and papers should exist in England as well as in Spain, I at once assented, but said, who tells us that they are not there, but that the English do not choose to look for them? Besides, the other day, in turning over some papers, I found a brief of that pope, addressed to the King of England, wherein he tells him, in answer to a complaint of his, that the papers had been sent to Spain because Queen Isabella was ill at the time, and wished to see the

brief of dispensation before she died. That is the reason, and no other, why Pope Julius sent the deeds to Spain, both parties having promised him to keep the matter secret. This circumstance might have prevented the registering of the brief—or, at least, might have led to the entry of it on the books being made so cautiously that it could not be found, as is often the case with many things so carefully hidden in the bowels of the earth that they never again come to the surface.

"With regard to their gratuitous supposition that your imperial majesty cared not about the cause, I only remarked that His Holiness might infer by that how deceitful and malicious the statement of the English ambassadors was. His Holiness, therefore, might judge from the English lies in this particular what credit could be given to their other statements.

"The pope on this occasion went so far as to say that the English ambassadors, in their address, had certainly alluded to the matter of poison by saying, 'Were not the king, our master, as good as he is, he would have looked for other means of obtaining his object, and certainly faithful servants would not have been wanting to do his pleasure in an affair of this sort.' My answer was that the queen had been encouraged to run that risk rather than be a bad wife, and prejudice her daughter's interests, and that your imperial majesty approved highly of such conduct, because, should poison be administered to her,

your majesty would take his revenge. Again did I tell the pope that I was really ashamed at such matters being mentioned in his presence, and astonished at the impudence of the ambassadors; to which the pope replied, 'I must observe, however, that the ambassador did not enter into further particulars.' 'That is quite enough,' said I. Then he added, 'Draw out your protest, and I will take care that the case be tried here, at Rome. Even if the emperor and all the rest of them should agree to the divorce taking place, I will never authorise it.' I thanked him for his good purposes, and said, 'Your Holiness is more bound to God than to the emperor and the rest of the world.'

"After this came letters from Don Inigo, advising that the affair was taking a very bad turn in England, and would be irretrievably lost if the adjournment of the case to Rome was not immediately decided on. A very touching letter* from the queen to the pope came also, which I duly delivered into his hands. He read it through very attentively, and seemed touched by it, so much so that he made very fine promises at the time."†

When the ambassador took leave, he received most

* Y en verdad que era por quebrantar las piedras.

† Probably the letter given to Cardinal Santa Croce, mentioned above. But possibly the queen had sent two different letters, both addressed to the pope. This conversation is in a letter of Micer Mai's. Gayangos, Calendar, vol. iii, pt. ii, pp. 973, 974, 975.

satisfactory promises and friendly expressions from the sovereign pontiff. His example shows that it is possible to be a skilful diplomatist, and yet to have a heart. This lofty and Christian language was addressed to the father of the faithful, not to an ordinary prince. It was understood and accepted by Clement VII. No surprise can be felt that, two or three days afterwards, the English ambassadors, presenting themselves at the Pontifical Court, were coldly received. It was in vain that they made bitter complaints of the breach of promises made to them. They were answered that they had taken vague forms of politeness for positive assurances, and that there had not been much real good faith on their own side.

CHAPTER XIV.

Official Exhibition in Spain of the Original of the Brief of Dispensation, in the presence of the English Ambassadors —A Copy of the Document is delivered to them—Wolsey changes his Policy—He is desirous above all things to conclude the Business of the Divorce—The Legates' Court is constituted, and issues Citations to both Parties—The Emperor's Letter to Catharine—Doubtful Dispositions of Campeggio—He receives the Queen coldly—First Meeting of the Ecclesiastical Court—The Parties appear—Solemn Hearing of June 21st—The Queen throws herself at the King's Feet, and addresses a Beautiful Protest to him against the Persecution directed at her—Great Impression on the Audience—Catharine refuses her Judges, appeals to the Pope, and retires—The Legates receive and register her Appeal, but they think it their duty to proceed—As she refuses to appear again, they declare her contumacious —Popular Interest on her account—Henry VIII.'s Attitude after Catharine left the Hall.

ALMOST important event was taking place in Spain, just about the time when Micer Mai had the interesting conversation with the pope mentioned above.

The King of England's ambassadors to Charles V., Doctor Lee and Ghinucci, Bishop of Worcester, having expressed to Catalayud their desire to see the

original brief of dispensation sent by Julius II. to Queen Isabella, his majesty the emperor gave orders for the document to be exhibited to them in presence of some notaries nominated for the purpose, and several grandees of Spain.

In this solemn meeting, Nicholas Perrenot, Sieur de Granvelle, and the chancellor of the empire, explained how the emperor had done all he could to preserve friendly relations with his ally, the King of England, but that this prince had cast doubts upon the authenticity of the copy of the brief of dispensation of which Queen Catharine had made use, the original being in the possession of her nephew, Charles V. Then the Sieur de Granvelle took the document in his hands, unsealed, opened it, and gave it to the English ambassadors to read, and to copy, if they chose.

The ambassadors, visibly embarrassed, refused to take cognisance, on the pretext that the question of forgery having been referred to the pope they did not think themselves authorised to interfere in the question. On the invitation of the Bishop of Osma and the Bishop of Elna, Nicholas Perrenot read the precious document aloud in presence of the two above-named bishops, Henry, Count of Nassau, the lord chamberlain of the emperor, the Count de Pont-de-Vaux, grand-master of the king's household, the Sieur de La Chaux, prefect of the palace, and Louis of Flanders, Sieur de Praël.

A minute of this meeting was drawn up in Latin by the notaries, containing a copy of the brief, and the minute was signed by the witnesses present, except the English ambassadors. This ought to have put an end to the miserable quibbles advanced against the sincerity and fidelity of the copy presented to the legates by Queen Catharine.*

Charles V. himself wrote to Mendoza that the English ambassadors, after the meeting, having asked him to allow them a private examination of the brief he immediately consented. "And an authentic copy of it made, properly revised, and collated with the original, in order to show that we omit nothing that is likely to preserve the friendship of their king, and that, if he will but attend to the letter of the brief, his scruples will at once vanish." †

Is it credible that the two ambassadors, in their official correspondence, still found reasons for suspecting the validity of the original document? ‡

The king and Wolsey were hugging themselves in their delusions during these same months of April and May, whilst the business of the divorce was taking a different form in Spain, and more especially in Rome, as we have seen. Communications were then so slow that all Europe was not living a simultaneous life, as is the case now in the days of railroads and electric telegraphs.

* Gayangos, Calendar, vol. iii, pt. ii, p. 967.

† Gayangos, Calendar, vol. iii, pt. ii, p. 984.

‡ Histoire du Divorce, Joachim Legrand, vol. i, p. 20.

Wolsey determined to expedite the trial of the divorce with great energy. He thought that, in concert with Campeggio, he might arrive at a satisfactory conclusion before the pope could find a suitable occasion for interference. He changed his style of political action towards the Court of Rome. Fresh instructions were sent to the ambassadors not to speak to the pope any more of the forgery of the brief, nor to insist on the propriety of the despatch of a pontifical agent to Spain to examine the original document. The object was now no longer to stimulate the Court of Rome, but to lull it to sleep, and to finish the business in London with all possible activity and speed. It was imagined that, when once judgment was given in England, the pope would accept it, and do nothing to annoy Henry VIII., to whom he had always shown great good-will.

In consequence, about the end of May the ecclesiastical court for the trial of the divorce suit held a sitting in the great hall of the palace at Blackfriars in London, suitably arranged, and richly decorated for the hearings. Notaries, or clerks, were appointed, and ushers, to make the court complete, and oaths were administered to them. By the side of the judges, to their right, was an arm-chair set for the king, and on the left another for the queen. Opposite the judges, within the enclosure of the court, were seats for the Archbishop of Canterbury and the other English bishops. Below the king's

chair were places for the two advisers, Doctor Sampson and Doctor Bell, and, below the queen's, for Clerk, the Bishop of Bath, Standish, Bishop of Saint Asaph, and Doctor Ridley, a most distinguished preacher and divine. On the morning of May 31st, the two legates entered the hall with all the ensigns of their dignity. Wolsey sat on Campeggio's right; and word was given to the Bishop of Lincoln to read the bull constituting the two legates commissioners to try the divorce suit.* When he had finished reading the prelate was desired, by agreement with Doctor Bell and the Bishop of Bath, to issue citations to the King and Queen of England to appear before the court on the 18th of June following.

The die was cast; the strife, so long conducted in obscurity, was now brought on the official and legal platform. Ceremonies of this kind have always been very attractive to the English nation. But it must be allowed that this grand judicial assize commanded a deeper and keener interest than had attached to any that had ever been held in London for many ages, and even, perhaps, in the whole world.

Catharine was still less informed than Henry VIII. of the events bearing on her suit that had taken place at Rome and in Spain. It is true she must have received a letter from her nephew, Charles V., dated

* The Bishop of Lincoln was Doctor Longlands, the king's confessor.

April 23rd, and concluding thus: "As a case of this sort must be referred to our Most Holy Father and his Holy Apostolic See, we have earnestly requested him not to allow it to be tried elsewhere than at his Court, inasmuch as your honour, and that of all our relatives and friends, is deeply concerned in the issue. You may be sure, most serene queen, our dearest and most beloved aunt and sister, that I shall not fail in what I consider to be my duty." * But it is not known whether this letter had reached the queen in the month of May. Certainly she did not know that the protests and petitions mentioned by Charles V. had been made; and lastly, Mendoza, who had always been her faithful support, and kept up her communications with Spain and Rome, being greatly injured in health by the English climate, had persuaded the emperor to recall him, in order to save his life. The loss of this able and devoted adviser left a great void for the unhappy Catharine.

Moreover, the lawyers she expected from Flanders had not arrived. The advisers given her were more concerned with their fear of displeasing the king than their client's interests. The queen, keenly feeling her moral isolation, thought she could do no better than go a second time to see Campeggio, who was again confined to his bed by the gout.

The cardinal was not very well-disposed to her at the moment. He was anxious about his own posi-

* Gayangos, Calendar, vol. iii, pt. ii, pp. 989, 990.

tion, and afraid that he should make more trouble for himself if he seemed partial to her, so he carefully avoided any appearance of it, and did not even give her spiritual consolation. Perhaps, though he may have had at the bottom of his heart some compassion and sympathy for Catharine, he took pains to give it no external expression, and succeeded in concealing his feelings. As Bishop of Salisbury, he was under Henry VIII.'s influence, and feared to get into disgrace with him. He felt that his colleague Wolsey was a vigilant and active spy upon him, and much more desirous than he was to conclude the business as soon as possible.

Du Bellay writes about the end of June to M. de Montmorency, the grand-master of the king's household, that "Campeggio is half conquered and persuaded to shorten the trial for various reasons too long to give." *

Thus the queen's expectation was disappointed. The legate was very reserved with her, and almost discouraging. He told her that she ought to have full confidence in the counsel the king had given her, and that, as to her judges, they would do nothing contrary to reason and justice. Finally, no doubt, thinking the occasion favourable, he spoke to her again of entering a religious house, since such a step would terminate many difficulties, and prevent many

* Letters and Papers, Brewer, vol. iv, pt. iii, p. 2544. Histoire du Divorce, J. Legrand, vol. iii, p. 334.

troubles both in church and state. Thus Campeggio was plainly unaware of the answer given a short time before by the canonists of Rome to Vannes, the English ambassador.*

Notwithstanding the moral pressure put upon her, the queen repulsed the cardinal's suggestions as before. Her Christian devotion, her gentle humility, were not inconsistent with an impregnable Spanish tenacity and unbending royal pride; she never would voluntarily have yielded her place to the clever manœuverer who wished to usurp her rights as wife and queen. She did not understand this inversion of any idea of justice, and turn of the cards to make the king's mistress a legitimate wife, and his legitimate wife a concubine.

And so Campeggio, after his conference with the queen, could not help praising her sincerity, her firmness, and greatness of soul. However, the cardinal lamented that he had no news from the Court of Rome, that he did not receive supplies of money, and that he was obliged to get into debt or to borrow of Henry VIII.*

Perhaps he did not know that protests and petitions in full form had been presented to the pope at Rome, about the end of April, against the King of

* See above the quotation of the answer given by the pope to Vannes, by which it appears that Henry VIII. would not have been able to marry even if Catharine had gone into a convent, and taken the vows.

* Letters and Papers, Brewer. Introduction, vol. iv, p. ccccIxx.

England's project of a divorce, and making formal demand to the pope for the transfer of the suit to the Court of Rome.*

And yet the French ambassador, Du Bellay, seemed well informed of what had passed at the Papal Court. If he did not know positively, he at least suspected; for, being a zealous partisan of Henry VIII.'s, in his diplomatic correspondence of the month of June he

* Gayangos, Calendar, vol. iii, pt. ii, pp. 990, 991. The protest presented by the imperial ambassadors to the pope, D. Michael Maius, Knight of Barcelona, the emperor's ambassador at Rome, and D. Andreas de Burgo, Count Castelleoni, also ambassador from the King of Bohemia and Hungary, Archduke of Austria, &c., in the presence of the undersigned notary and witnesses summoned for the purpose, drew out and presented to [Pope Clement VII.] in behalf and in the name of their respective sovereigns, the following protest, requisition, intimation, &c. :—

"Go on to state the futility of the reason alledged for the divorce. Beg the pope to have the case adjudicated to his Court, since, were it to be tried in England, Queen Catharine would never obtain justice. Acta fuerunt hæc Romæ, in palatio apostolico, in camera sanctissimi D. N. Papæ, præsentibus ibidem magnificis et nobilibus viris dominis Jacobo de Salviatis, Patricio Florentino, et Gasparo Maradat Valentino, milite militæ Sancti Jacobi de Spata, testibus ad præmissa vocatis et rogatis. Notarius Alfonsus de Cuevas Cæs. sacerdos et sollicitor." (Latin, nine pages.)

Petition presented to the pope by the imperial ambassadors respecting the divorce case :—

"At Rome, on Tuesday, the 27th of April, Richard Mai, knight, doctor in law and theology, and Andrea de Burgo, Count of Castel Leone (*comes castrileonis*), councillor and orator to his Serene Highness Ferdinand, King of Hungary and Bohemia, humbly petition His Holiness the Pope [Clement VII.] to summon (*advocare*) the divorce case to be tried at his Papal Court. Rome, 27th of April, 1529." (Latin, one and a half pages.)

displays great anxiety. He is especially the echo of Wolsey, and thus speaks of him:

"I assure you, sir,* that, *without fiction,* the legate is in terrible trouble, for all along till now he has always assured his master, both in public and private, that this would be nothing, and that nothing, whatever would be done without them. Now he strongly suspects the contrary; I leave you to imagine whether he speaks kindly to me, and plainly says that I have deceived him, &c.," and, further on, "You will see by the king's letters what condition they are in about this divorce; all the help they ask of you is for the pope not to revoke his commission."

Wolsey was therefore especially afraid of this revocation; the cardinal had, some time before, confided to Du Bellay that he had been desirous of cooling down the king's passion, and his eagerness for divorce, and the king had answered him with terrible language.†

Now, as the decisive moment approached, Du Bellay sent messenger after messenger to the Court of France, for he says, "There are people of the Duke of Suffolk's in all the posts, who would not fail to

* Histoire du Divorce, Joachim Legrand, vol. iii, pp. 328, 329. The letter is addressed, as usual, to the grand master of the king's household, M. de Montmorency.

† These are Du Bellay's exact expressions, "Le roi lui usa de *terribles termes* à cause qu'il semblait l'en vouloir refroidir et lui monstrer que le peuple n'y voudrait condescendre." Histoire du Divorce, vol. iii, pp. 164, 165.

take so good a chance; the cardinal gave me a pretty clear hint, and I find one despatch has been lost since I have been here, and I am sorry for it."*

And yet this is a partisan of the government of Henry VIII. and the English policy, who is so distrustful, and complains of what we should now call *the black chamber*.

In a subsequent letter in cipher he sends information to Francis I. that Wolsey begs him "very humbly and affectionately to write a line to Cardinal Campeggio, begging him to hasten the business."†

I doubt whether this curious commission was carried to his credit at the French Court; but it shows that Wolsey was extremely anxious, and that he wanted to clutch at every straw.

The fact is that the business of the divorce was just about to undergo a great change, but in a direction entirely contrary to the hopes of the Cardinal of York.

Nevertheless there seemed slight reason for the feeling of distrust Wolsey felt for his colleague, for Campeggio took a serious view of his office of judge. He also seemed as if he would like to conclude matters as soon as possible.

The citation to appear before the legates had been served on the 1st of June upon the king and queen in their private apartments at Windsor for the 18th

* Histoire du Divorce, vol. iii, p. 330. *Me faudraient.*

† Page 335.

of the month, and it was presented to them by Longlands, Bishop of Lincoln, and Clerk, Bishop of Bath. On the appointed day the court met. The king did not appear in person on this occasion, but was represented by his proctors, Doctor John Bell and Doctor Sampson,* dean of the chapel royal. As to the queen, she attended in person. She protested against the competence and jurisdiction of the Court, and, having read her protest aloud, demanded that it should be placed on the record, and a minute given to her. The legates acceded to her demand, and appointed for her to appear on the 21st of June following, the day which the Court named for its second sitting. Then, remembering that the law required the personal appearance of both parties, under pain of being treated as contumacious, they announced that, at the next sitting, they would give a decision on their competence and the regularity of their proceedings.

In consequence, the two parties appeared on the 21st of June, between nine and ten in the morning. The queen entered first, and was almost immediately followed by the king. He occupied the throne, or chair, on the right of the legates; Catharine sat on the left, her seat being a little lower than the other.

As soon as the hearing commenced, the king, turning to the judges, made them a short address, expressing his firm resolution to cease to live in mortal

* Afterwards Bishops of Chichester and Worcester.

sin, as he had done for twenty years. He said he could not feel easy in his conscience until a decision had been come to as to the lawfulness or unlawfulness of his marriage, and so he demanded that judgment should be given with all speed. Then Wolsey spoke, and said that, although he was loaded with benefits from the king, and might therefore be suspected of partiality, the moment he received a commission from the sovereign pontiff he would judge according to his "poor ability," but perfectly conscientiously, and that he would omit no requirement of justice. The two legates gave a decision rejecting the queen's appeal to Rome. But Catharine declared that she would renew the appeal, and persist in it; and then she went and kneeled at the king's feet, and cried to him for mercy and justice in a voice broken by emotion. She said she was only a poor foreign woman, away from her parents, friends, and all help; and she called God to witness that, for twenty years of married life, she had been always his obedient, faithful, and devoted wife: that he knew; and she appealed to himself that she was a virgin when she was married to him. That, if what she said was untrue, she was ready to suffer infamy. What had she done, to be repudiated and branded, and the stain of dishonour extended to her parents, and children, and her whole family? That she had suspicions of all around her, the judges, and even her advisers, as they were the

king's subjects, and had received benefits and favours from him. She stated that her desire was the recognition and confirmation of the validity of her marriage; but that she wished this judgment to come from Rome, and that she appealed to Rome. That was the only place where the suit could be judged without any suspicion of favour or partiality. She demanded that her appeal should be sent to the pope; and also to be freed from every restraint and able to correspond in perfect freedom with Rome and the emperor.*

* Burnet, who often contests or denies the most authentic facts when they contradict his preconceived ideas, has called this scene fabulous, though it is attested by several contemporaries, and among them Wolsey's own secretary, Cavendish, who was, apparently, likely to be well informed. But this will remove every doubt, if there is any still existing. Mr. Stephenson, a man of great learning, has just discovered, at the Vatican, two letters in cipher, addressed to Salviati at Rome by Campeggio himself.

The last is dated June 21st, 1529, and was probably written as soon as the sitting was over. The cardinal says that, on the 18th of June, "comparse la renia personalmente, interposuit appellationem in formâ, recurso li judici, cum insertionibus causarum deduxit avocationem causæ ad curiam et sic litis pendentiam, protestò de nullitate omnium agendorum. Li demo termine ad primam che è stato hoggi alle vinterio, ad audiendam voluntatem nostram super deductis ab eâ, et cosi hoggi si è pronuntiato nos esse judices competentes, rejectis omnibus ab eâ deductis. Lei ha interposto una amplissima appellatione et supplicationem ad Pontificem et recessit; ma primà ibi coràm tribunali genuflexa, benchè il re due volte la sollevasse demandò licentia al re che por trattarsi del honore et conscientià sua e della casa di Spagna, le volessi concedere libero adito di scrivere e mandare messi à [Cesare] ru *(et)* a quesi *(Sua Santità)* ru *(et)* sogle *(se gli?)* la concessero,

While she spoke thus, the king twice tried to raise her, and twice she fell again upon her knees; and, when she had done, she did not return to her seat, but bowed to the king and the Court, and left the hall leaning on the arm of her Receiver-General, Griffith.* The king, seeing her depart, commanded that she should be called again. Then the crier of the Court called, "Catharine, Queen of England, come into Court!" With that quoth Master Griffith, "Madam, ye be called again." "On, sir," quoth she, "it maketh no matter, for it is no indifferent Court for me; therefore I will not tarry." And she left the hall without making any reply, either then or afterwards; for she would not again appear before the legates' Court.†

cosi credo, mandarà con copia di tulto quella si è flatta, per che habbiamo deliberato che de omnibus ad ejus petitionem gli sia dato copia." Letters and Papers, Brewer. Introduction, vol. iv, appendix, pp. dclxxi, ii. No doubt the scene and the queen's speech are condensed in this letter, half Latin, half Italian. Campeggio, who did not understand English very well, may not have been able to catch all Catharine's words, spoken, as a contemporary says, in *broken English;* but all the chief points of Cavendish's account are found in the cardinal's, and there are some other points added that are left out by Cavendish and the other chroniclers.

* Griffin Richardes, Receiver-General to the queen, has himself left a record of these events, and is the "honest chronicler" most quoted by Shakespeare in the scene of the play of Henry VIII. where he presents Catharine of Aragon speaking so nobly, and indeed had only to repeat her language accurately to be sublime.

† Letters and Papers, Brewer. Introduction, vol. iv, pp. ccccIxxii, iii. Lingard, vol. vi, p. 150. Miss Strickland, vol. iv, p. 130, edition, 1842. (Ed.)

The judges caused her to be summoned three times by the crier, and, as she did not appear, pronounced her contumacious. While they rejected her appeal as groundless, they did not refuse her a minute of all that had passed at this hearing to make any use of that she pleased.

The two parties were cited to appear again on Friday, June 25. As Catharine was on her way from Baynard's Castle,* where she lived, to the Palace of Blackfriars, the women, as she passed, encouraged her, and shouted to her to care for nothing. "If the matter was to be decided by the women, the king would lose the battle," says Du Bellay, with some spite, and then he adds, ironically, "She recommended herself to these good prayers, with other Spanish tricks." †

According to Cavendish, after Catharine was gone, the king, perhaps agreeing with the general feeling, could not help speaking aloud in her favour. "She is, my lords, as true, as obedient, and as conformable a wife as I could in my phantasy wish or desire. She hath all the virtuous qualities that ought to be in a woman of her dignity, or in any other of baser estate. Surely she is also a noble woman born, if nothing were in her; but only her conditions will well declare the same."

It may be observed that he did not contradict

* Letters and Papers, Brewer. Introduction, vol. iv, p. cccclvi.

† Letters and Papers, Brewer, vol. iv, pt. iii, p. 2226.

certain private matters that might have a bearing on the state of the question* on which Catharine had appealed to his own evidence.

It might have been expected that these expressions of respect for the queen's character would have been accompanied by some marks of sympathy and pity; but that was not the case. At Blackfriars Henry had seen his noble wife kneeling at his feet; he went from there to Greenwich, to throw himself at the feet of his mistress, Anne Boleyn.

* Hallam, who did not know of Campeggio's letter, yet allowed that Cavendish's account was quite correct; it also seemed to him to be supported by a letter of Henry VIII.'s own, printed at the end of the first volume of Burnet's History of the Reformation, Appendix, p. 78. He observes, with his usual impartiality, that Catharine's appeal made to Henry himself, *de integritate corporis usque ad secundas nuptias servata*, not being contradicted by Henry, is a decisive argument in favour of the truth of the queen's statement. Last note to vol. i. of the Constitutional History of England.

CHAPTER XV.

Campeggio's Embarrassment—Henry VIII. declares that Wolsey was not the first Suggestor of the Divorce—Appearance of Fisher, Bishop of Rochester, and his bold Address to the Legates—General Surprise in Court, and and great Impression without—Henry VIII.'s Anger, and his Pamphlet in answer to Fisher—His Revenge nursed for another time—Opposing Petitions of the English and Imperial Agents before the Pope—Campeggio's Correspondence with Rome stopped for some time by the English Officers—Casale informs Henry VIII. that the Pope has determined to transfer the Trial of the Divorce Suit to Rome—At Henry's desire the two Legates make another Attempt to persuade Catharine, but they find her just as resolute—The Legates hold another Judicial Sitting on July 23rd, and adjourn the case till after the Vacation—Altercation of Wolsey and the Duke of Suffolk—A Fortnight after this last Hearing, the Bull of Revocation was published in London.

THOUGH Campeggio was much shaken by the pathetic scene he had witnessed, he wrote to Salviati that he could not refuse the wish of his colleague Wolsey, who begged him to write and request that the queen's appeal might not be received, or the case revoked to Rome. That he quite understood His Holiness's intentions, who did not wish

judgment to be given even in the first instance; but the suit made progress, and perhaps they would be constrained by the force of circumstances to give sentence, unless the pope did something decided. Besides, they would know that in case he refused to give judgment, or was unable to sit, through the state of his health, there was a provision in the bull for the appointment of another judge. So his difficulty may be imagined, and he calls God to help him. He adds that the king seemed as if he would not make peace till his marriage was dissolved; and he has also but little confidence in France, as that alliance does not seem to be depended on.*

Wolsey, himself uneasy at the general expression of opinion in favour of the queen, seemed desirous of evading the responsibility of having been the first to suggest this fatal suit; for, before the rising of the court on June 21st, he made this remarkable speech to the king. "Sire, I most humbly beseech your highness to declare now, before all this audience, whether I have been the chief inventor and first mover of this matter with your majesty; for I am greatly suspected of all men herein." "My lord cardinal," quoth the king, "I can well excuse you herein. Marry, ye have been rather against me in attempting or setting forth thereof." Then he entered

* This is the end of the letter quoted in note to preceding chapter. Appendix to introduction, Brewer, Letters and Despatches, vol. iv.

again upon the old story of his scruples about his marriage with his brother's wife; it was a way of explaining his conduct, but the hypocritical explanation was not accepted by the public.

On the 25th of June the court met again, to take the king's oath respecting the propositions, and adjourned to the 28th, though opposed by Campeggio, who thought these hearings were so near together and so frequent that they did not leave the judges time enough to study the questions that arose, and to deliberate on the evidence at each hearing.

This of the 28th was marked by an episode as striking of its kind as the last appearance of the queen. Just as Catharine's absence and contumacy were being again recorded, Fisher, Bishop of Rochester, advanced to the bar and asked leave to speak.

The appearance of this aged man was in itself an event. It was well known that Fisher lived in retirement in his episcopal palace at Rochester, and hardly ever left it for anything but his diocesan duties, that he had arranged a kind of anchorite's cell there, and lived alone in it, with his books and instruments of mortification. He was regarded as a saint worthy of primitive times, a kind of renewal of one of the rude hermits of the East, or of one of the noble bishops who sometimes appeared at the effeminate Byzantine Court, like a living and open rebuke. Before he had spoken a single word, a thrill of expectation ran through the spectators. All understood

that he had not come there to flatter Henry VIII., that the king before whom all had hitherto bent was at last to encounter a champion of the right who would meet him face to face.

Fisher did not disappoint the expectation so keenly excited by his presence. He advanced with dignity, and said, in a loud voice expressive of great but repressed feeling, "That in a former audience he had heard the king's majesty discuss the cause, and testify before all men that his only desire was to have justice done, and to relieve himself of the scruple which he had on his conscience, inviting both the judges and everybody else to throw light on the investigation of the cause, because he found his mind much troubled and perplexed. At the time of this offer and command of the king, he had forborne to come forward and manifest what he had discovered in this matter after two years of diligent study; but now, to avoid the damnation of his soul, and to show himself not unfaithful to the king, or neglectful of the duty which he owed to the truth in a cause of such importance, he presented himself before their reverend lordships to assert and demonstrate with cogent reasons that this marriage of the king and queen could not be dissolved by any power divine or human. He declared that, in maintenance of this opinion, he was willing to lay down his life, adding that, as John the Baptist, in olden times, regarded it as impossible to die more gloriously than

in a cause of matrimony, and it was not so holy then as it has now become, by the shedding of Christ's blood, he could not encourage himself more ardently, more effectually, or face any extreme peril with greater confidence than by taking the Baptist for his own example. He used many other suitable words, and at the end presented them with a book which he had written on the subject." *

After him, Standish, Bishop of Saint Asaph, president of the queen's official advisers, spoke in the same sense, but without so much force, warmth, or eloquence. Lastly, Ridley, Dean of the Arches, handled the question from the point of canon law, and arrived at the same conclusion. Wolsey expressed his surprise at what he called an unexpected attack upon the legates. He allowed, on the observations made to him, that they ought to hear everything relating to the cause in which they had to administer justice, and prayed the divine wisdom to guide them in the path of truth and equity, and said that the Bishop of Rochester had no need to express himself in such a decisive manner on the root of the question; he had not to judge the suit.

Wolsey's protest did not efface the great sensation produced by Fisher's speech. After his last words the hearers had seemed in a sort of way stupefied, but that was soon followed by an expression

* Letters and Papers, Brewer. Introduction, vol. iv, pp. ccccIxxvi, vii, pt. iii, pp. 2538, 2359.

of admiration for this noble man, whose energy presented such a strange contrast with the meanness of all the Court prelates, who had been bought over to the side of Henry VIII.

The impression made by Fisher's discourse was not confined to the interior of the Palace of Blackfriars; it spread rapidly among the population of London and England, and, a little later, to the Courts of France, Spain, and Rome, informed by their agents of this quite unexpected testimony by a true bishop in favour of Queen Catharine.

Henry VIII. was excessively annoyed at this powerful voice, the first raised amid the general silence in opposition to the divorce desired by the king. He had not chosen to condescend to a personal altercation with Fisher before the legates' court, but he instantly took to his pen, and in a few weeks composed a written reply to Fisher, full of bitter sarcasms against that noble bishop; he sent him one copy,* and forwarded another of this specimen of defence to the legates, the judges of his suit. The king says in this curious pamphlet:

"It is true that men sometimes fail, even the wisest, in their projects; but I never thought, judges, to see the Bishop of Rochester taking upon himself the task of accusing me before your tribunal—an accusation more befitting the malice of a disaffected subject, and the unruly passions of a seditious mob,

* The copy has been found with annotations of Fisher's own.

than the character and station of a bishop. I had certainly explained this to Rochester some months ago" (Fisher, in the margin, *nearly a year ago*), "and not once only, that these scruples of mine respecting my marriage had not been studiously raked up or causelessly invented. Until the present time Rochester approved of them, and thought them so grave and so momentous that, without consulting the pope respecting them, he did not think I could recover my tranquillity of mind." (Fisher, in the margin, *I did not say so; but the cardinal would have been glad if I had said so.*) "When the pope, moved by the judgment of his cardinals and others, considered that the reasons urged were sufficient, and the doubts were such as were worthy the consideration of the ablest judges—when he left the whole decision of the cause to your religious determination, and sent you Campeggio here, at great expense, for no other purpose than to decide this cause,—what are we to suppose could have instigated Rochester, or by what spirit, let me ask you, could he have been inspired to press forward thus impudently, and thus unseasonably declare *his* opinion after keeping silent many months," (Fisher, *I was obliged to this by the protestation of the king and the cardinal*), "and not until now declare his mind in this full consistory. Had he been consistent, he would not have attributed to mere logical subtleties and rhetorical refinements those scruples of my conscience which he once admitted I had

rightly entertained. If, after a study of many years, he had clearly discovered what was just, true, and lawful in this most weighty cause, he should have admonished me privately again and again, and not have publicly announced, with such boldness and self-assertion, the burthensome reproaches of my conscience. Two most pernicious councillors have taken possession of him, and agitate all his thoughts, unbridled arrogance and overweening temerity. What is the meaning of that comparison of his, in which he endeavours to assimilate his own cause wtih that of John the Baptist, unless he held the opinion that I was acting like Herod, or attempting some outrage like that of Herod? Whatever Fisher may think of me, I have never been guilty of such cruelty." *

After this introduction, the whole of which we have not given, Henry touched on the principle of the question, and tried to prove that an impediment, according to the divine law, could not have been removed by the pope's authority.

Why was it that Henry, so impatient of all opposition, so imperious, so despotic, was contented with this verbal contest, when it was in his own power to drown his adversary's arguments in blood? He knew very well that he could find, among the penal statutes for high treason, passed in the time of

* Letters and Papers, Brewer. Introduction, vol. iv, pp. ccccIxxxii, iii.

the civil wars between York and Lancaster, weapons enough to punish and crush the Bishop of Rochester. But the divorce suit was going on; he was very anxious it should be tried in London, at least in the first instance; so this was not the moment to give prominence to the antagonism existing between the statutory right created by his predecessors and the canon law of the church.* Just for the sake of his cause he would not bring these rival laws into conflict. Henry likewise still shrank back before the popularity of the queen and her defenders. However, the offence that Fisher had given him, none the less remained graven deep in his heart. The hour of vengeance, and an atrocious vengeance, was to come later.

So Henry VIII. for the present confined himself to urging the decision of the suit; but Campeggio, who had seemed hitherto to incline to his side, and to be desirous of hastening the despatch of the business, appeared all at once to take fright at its over-rapid progress. It might be supposed that his courage had revived at the sight of the example set by the Bishop of Rochester, and that he had gone over to the opposition from the very day he had heard the eloquent speech.

* That is as if in France, under Henry IV. and Louis XIII., the ordinances of Philip the Fair, the jurisprudence of the parliaments, and the treatises of Dupuy and Python on the alleged freedom of the Gallican Church had been raised in opposition to the Council of Trent and canon law.

He writes to Salviati, on June 29th: "They are proceeding with inconceivable anxiety in the king's case, and expect to come to the end of it within twenty days." About a fortnight afterwards, that is on July 13th, he writes again: "By my letters I informed you in what state this cause then stood, and how it was proceeding with much celerity and more urgency. We have since progressed in the same manner, with great strides, till this day always faster than a trot, so that some expect a sentence within ten days; and although we have many things to do, writings, allegations, and processes to see and examine, yet such is their speed and diligence that nothing is sufficient to procure us a moment's breathing time. It is impossible for me not to declare my opinion, and what seems to me most convenient, but it is of little avail. I will not fail in my duty and office, nor rashly nor willingly give cause of offence to anyone. When I pronounce sentence I will keep God before my eyes, and the honour of the Holy See."*

Du Bellay himself had thought Campeggio half won, but now he saw that there was a change. "On Monday (19th July) matters were almost as the king wishes, and the judges were deliberating about giving sentence the Monday following. I think he (Campeggio) is inclined to remit the matter to the pope."

* Letters and Papers, Brewer. Introduction, vol. iv, pp. ccccIxxxiv, v.

All this month of July no time had been lost by the legates. The 5th, the 9th, the 12th, the 16th, and the 19th, they had carefully examined the evidence collected on the circumstances attending the marriage with Arthur, and preceding the marriage with Henry VIII.* One of the witnesses declared he heard Prince Arthur say "That night I went to Spain." This was no contradiction at all to what the queen herself had told Campeggio. It was then also that the old Doctor Fox, Bishop of Winchester, who had baptised Henry VIII., made his celebrated deposition. Great importance was attached to a protest of Henry, then Prince of Wales, as far back as 1505, against the kind of betrothal he had figured in, as if it could destroy the effect of the dispensation of Julius II. But this protest, which had been only a device of Henry VII. to alarm King Ferdinand, so as to get better terms out of him, the young bridegroom, according to Fox, had not even read; he was not present at the signing of the document, and Catharine was not informed of it. Four more years had passed before this marriage took place, the subject of such strange contention between two powerful kings; but the young Henry, Prince of Wales, had

* It was not the legates themselves who took the depositions. Fox was questioned by Doctor Taylor, Archdeacon of Buckingham. Other witnesses were examined by Doctor Wolman. The legates had the minutes of evidence read to them.

never ceased to aspire to the hand of the Spanish princess, and she, having worn mourning for her first husband two years, had resumed her virgin white garments.*

Thus the result of the inquiry had been mostly in the queen's favour.

Meanwhile Micer Mai and the Spanish agents had not ceased to make the most urgent demands on the pope to transfer the cause to Rome. They succeeded against the opposition of the English ambassadors, and Mai wrote triumphantly to the emperor on July 13th:

"The cause is now safe, thank God, and all that has been done in England will be now annulled. Six duplicates of the acts will be transmitted, two to be set up in Flanders, one at Bruges and Dunkirk, the rest transmitted to the queen, or to whomsoever it may be thought best. The pope has written to Campeggio, but he has behaved so badly in this matter that nothing could have been worse." †

* See in the Histoire de Henri VIII., of Audin, the text of Doctor Fox's deposition, at the end of the authorities in the first volume, and a very curious extract from a little work written in Italian, by De Rossi, who was at Rome at the time of the divorce; this work is entitled, Argumenta Causæ; speaking of Catharine and Henry VIII., "Anzi confessò il medesimo Arrigo à Carlo V., in una sua lettera d'averla avuta vergine," Argumenta Causæ, vol. i, pp. 49, 55. It is to be observed that Henry VIII. himself never said the contrary.

† Letters and Papers, Brewer. Introduction, vol. iv, p. ccccIxxxix.

Two or three days afterwards Casale sent the same information to the King of England in a tone of the greatest consternation.*

Doctor Bennett had left England about the end of May to endeavour by all means to prevent such a conclusion, but his efforts, as well as those of Casale and Vaux, had been useless. He had told the pope that the revocation of the divorce suit to Rome would entail not only Wolsey's fall, who had always been so faithful to him, but also the destruction of the Catholic Church in England. Clement VII. replied, shedding tears, that no one saw more plainly than he did the fearful troubles that would arise from this; but how could they be exorcised, or prevented? Was he to sacrifice his conscience and dishonour the Apostolic See to do a pleasure to their king? The queen had written to him about the matter, and she certainly had the right of appeal to the tribunal of the sovereign pontiff.

Bennett, for his colleagues in the embassy, then wrote to Wolsey; "Seeing that we could obtain nothing from him, we consulted among ourselves how the evocation might be delayed until you (Wolsey) had concluded the cause in England. We can do no more. The king must now decide whether it will

* This is the fragment of his letter, dated July 15th. "El papa a rivocato la causa del re nostro; so che cosa al mundo non poteva di più dispiacere à S. Maestà, massime essendo fatto ad instantia del Imperatore, e in questa dichiarazione con el papa." Authorities, J. Legrand, Histoire du Divorce, vol. iii, p. 316.

be better to suspend the process, or proceed to sentence before the evocation." *

To keep the pope in ignorance, Bennett had desired that Campeggio's letters should be stopped in England, in which he had made complaints to Rome of the precipitation with which the divorce suit was pushed along. They were also doing all they could to influence Clement to defer the signature and publication of the brief of evocation. But the pope knew, through the Regent of Flanders, Margaret, of the desperate struggle Catharine was keeping up for her own and her daughter's honour. On another side, the imperialists were every day besieging the Vatican with complaints at His Holiness letting the trial go on in England, contrary to agreement, and threatening from Charles V. that, if the promises were broken, he would seek another remedy.

Thus Clement VII. was dragged in opposite directions by two equally imperious kings. He lamented over the cruel situation in which he was placed, and said that he would be glad to die.

Wolsey had approved of the plan and measures of Doctor Bennett; but Campeggio, astonished at getting no reply from Rome to his communications, opposing an energetic resistance to his colleague's wishes, and desiring to wait for more exact information, kept on adjourning the Court till the end of July. His resolution, very firmly expressed on this

* Letters and Papers, Brewer. Introduction, vol. iv, pp. ccccxci, ii.

point, was contrary to Wolsey's desire that the judgment should be given at once. So the dissension between the two legates became more pronounced.

Besides, Campeggio had at last learnt that the principle of evocation had been decided by the pope, and he wanted fresh instructions. He asked whether he was to keep the brief of evocation in his own hands when it reached him, or immediately communicate it to the king; he wanted to know what method of proceeding should be adopted in putting this brief in execution; whether the king was to be cited to appear in person at the Court of Rome, under pain of excommunication, or if he could send an agent, under power of attorney, to represent him. And, if this last supposition was right, would the proud Henry VIII. consent to be cited to appear before a foreign Court, like an ordinary private individual.

For twenty years of his reign that king had never met with any obstacle to the execution of his will, or even serious opposition to his wishes; and he was surprised and indignant at the difficulties he encountered, both at Rome and in his own kingdom.

He claimed to have been the protector of the Church from the infection of Lutheranism by his writings, and he thought that from that time, of course, the Church ought to be at his feet.

Before the last sitting to be held by the legates' Court, the king sent Lord Rochford to Wolsey, to

induce him to pay a visit to the queen, to endeavour to induce her by friendly means to renounce the evocation of her cause, and the appeal to Rome. Rochford performed his commission without any delay. The cardinal did not conceal from Anne Boleyn's father that he expected but little success from this expedient, but that he would do as Henry VIII. wished. "But," he observed to Lord Rochford, "that he and the other lords of the council had put the fantasy into the head of the king, whereby they would give much trouble to the realm, but small the thank either from God or the world." *

When Wolsey let slip this imprudent speech, fated to be remembered by Anne Boleyn, he showed himself an example that the best diplomatists may forget themselves in a moment of ill-temper. And we may also conclude that the share he had undertaken in the business of the divorce, had not been determined by real convictions on the root of the matter, but by reasons of State, and a far distant view of the rupture of the King of England with the Church. However this may be, Wolsey, desiring to join Campeggio in the attempt he was going to make, picked him up when passing his lodging, and they both went to Bridewell, where the queen was living.

When Catharine was informed of their arrival, she came out of her chamber to receive them in the hall, attended by the ladies of the household; she had a

* Howard, I. c., p. 443.

skein of white thread about her neck, and showed it to them, saying these were her occupations, and she did not think the king could take umbrage. The legates expressed a desire for a private interview; and, as she seemed to hesitate, or at least to be in no haste to comply with their request, Wolsey began to speak in Latin.

"Nay, good my lord," quoth she, "speak to me in English, I beseech you, although I understand Latin."

"Forsooth, then," quoth my lord, "Madam, if it please your grace, we came both to know your mind, how ye be disposed to do in this matter between the king and you, and also to declare secretly our opinions and our counsel unto you, which we have intended of very zeal and obedience that we bear to your grace."

"My lords, I thank you then," quoth she, "of your good wills; but to make answer to your request I cannot so suddenly, for I was set among my maidens at work, thinking full little of any such matter, wherein there needeth a large deliberation and a better head than mine to make answer to so noble wise men as ye be. I had need of good counsel in this case, which toucheth me so near. Alas! my lords, I am a poor woman lacking both wit and understanding sufficiently to answer such approved wise men as ye be both, in so weighty a matter. I pray you to extend your good and indifferent minds

in your authority unto me, for I am a simple woman, destitute and barren of friendship and counsel here in a foreign region; and, as for your counsel, I will not refuse, but be glad to hear."

With this she took Wolsey by the hand, and led him, with the other cardinal, into her privy chamber, where they had long communication.

"We in the other chamber," says Cavendish, "might sometimes hear the queen speak very loud, but what it was we could not understand."*

Another chronicler says that the queen sharply reproached Wolsey, telling him that he might have stopped the king in the beginning, by plain and decided opposition, before his plans of divorce, born of a senseless passion, had taken serious form. And that she treated Campeggio most graciously.†

Next day, July the 23rd, the legatine court sat, and this was destined to be the last time. On this occasion the king remained in a gallery adjoining the hall, whence he could see and hear the judges. All the proceedings had taken place in Latin, and it was in that language that the king's advocate demanded that the final sentence should be given. And in that language also the president, Campeggio, speaking it with great facility, stated that the practice of the Court of Rome was to suspend proceedings of every

* Cavendish, p. 225. Letters and Papers, Brewer. Introduction, vol. iv, pp. ccccxcvi, vii.

† Histoire du Divorce, par J. Legrand, vol. i, pp. 140, 141.

kind from the end of July to the beginning of October. There could be no protest against this practice so authoritatively announced. It seems that Campeggio had received orders from the pope to follow the practice of the Court of Rome in every particular, and entirely to suspend judgment till further orders.

The hearers were evidently disappointed in their expectations, and were silent in surprise; some noblemen present looked so threatening that Campeggio thought it well to add a few words to this announcement of the adjournment of the debate. He said that no consideration would make him deviate from the path of duty; that he was too old, and too weak, and too infirm, to desire the favour or fear the resentment of anyone in the world. The queen had refused the legates as her judges, because they were subjects of the opposite party. Under such circumstances the Court had thought it their duty to suspend its sittings until the sovereign pontiff had deliberated on these difficulties, and come to a final conclusion.

Then the Duke of Suffolk, unable to restrain himself, gave a great slap with his hand on the table, and exclaimed,

"By the mass! now I see that the old said saw is true, that there was never legate nor cardinal that did good in England."

Cavendish adds that Wolsey, seeing the furious gestures of the duke, calmly replied,

"Sir, of all men in this realm, ye have least cause to dispraise or be offended with cardinals; for if I, simple cardinal, had not been, you should have had at this present no head upon your shoulders, wherein you should have a tongue to make any such report in despite of us."

After this vigorous reply he represented to him that the legates were only the pope's commissioners, and that, in face of new and unexpected difficulties, they ought to have recourse to the sovereign from whom their commission emanated. "Pacify yourself then, my lord, and speak not reproachfully of your best friend. You know what friendship I have shown you; but this is the first time I ever revealed it, either to my own praise or your dishonour." *

The duke made no reply. Henry VIII. had intended to try the Duke of Suffolk for high treason, in having disbanded his army before the conclusion of the peace, contrary to the king's own orders; Wolsey had averted the blow.

The king had already retired to his palace of Bridewell. The Court of the legates was declared adjourned.† A fortnight afterwards, it was known

* Letters and Papers, Brewer. Introduction, vol. iv, p. ccccxcviii. Lingard, vol. iv, p. 153. (Ed.)

† At the sitting before (probably July 19th, Brewer) must have taken place another altercation between Wolsey and Fisher, related by Cavendish. Fisher had quoted the well-known axiom, *Quod Deus conjunxit homo non separet.* Wolsey answered, "So much doth all faithful men know as well as you. Yet this reason

in London that the pope had transferred the suit to Rome by a brief, dated the previous 18th of July. This clearly explained the attitude taken by the two cardinals in their last audience.

is not sufficient in this case; for the king's council doth allege divers presumptions to prove the marriage not good at the beginning. 'Ergo,' say they, 'it was not joined by God at the beginning, and therefore it is not lawful; for God ordaineth and joineth nothing without a just order.'" On Doctor Ridley urging, with some temper, that it was a shame and a dishonour that such presumptions should be alleged in open Court, and that they were too detestable for decent ears, "*Domine doctor magis reverenter*," exclaimed the cardinal. "No, no, my lord," was the reply, "an unrevered tale would be unreverently answered." Cavendish's Life of Wolsey, p. 224. Something of the kind must have taken place during the arguments on the suit; only Wolsey, according to this version, had completely the better in the discussion. It must be remembered that Cavendish was his secretary, and always most faithful servant.

CHAPTER XVI.

Position assumed by Henry VIII. after the Divorce Suit was adjourned by the Legates, and its transfer to Rome—Cardinal Wolsey out of Favour—Henry treats Wolsey and Campeggio very differently—But the latter is Arrested at Dover, and shamefully searched—Then set at Liberty—Wolsey is disgraced, deprived of the Great Seal and his Temporal Dignities—He is prosecuted criminally—His Despair—His humble Supplication to Henry VIII.—Arraigned before Parliament he is acquitted of Treason, but afterwards condemned for a Violation of the Statute of Præmunire—Henry pardons him, and only confiscates a Portion of his Wealth—He is banished to his Diocese—The exemplary Life he leads there—Watched, and betrayed by his Doctor, he is arrested on a charge of High Treason—He falls ill, and dies on his Journey to London—His modest Funeral at Leicester—Henry loses in him a great Minister, and useful Restraint on his Passions.

MORE quietly than might have been expected did Henry bear the news of the adjournment of the suit by the legates' Court, and, a little later, that of the revocation of the commission given them, and the transfer of the cause to Rome. The despatches of his ambassadors announcing their diplomatic check were also accompanied by a letter

from the sovereign pontiff to the king, full of courtesy and good-will.

Henry at first thought that he might win his cause at Rome as well as in London; and, in order to influence the opinion of the consistory, he, by Wolsey's advice, obtained the opinions of the universities of France, Italy, Germany, and England. He would have liked to combine upon his side the universal suffrage of theological science throughout Christendom.*

At the same time Clerk, Bishop of Bath, was desired to act upon the queen's mind, being one of her official counsel, and induce her to refrain from citing the king before the consistory of cardinals; for Henry VIII. had a repugnance to be forced to appear in person at the bar of a foreign Court like a private person. No doubt this susceptibility, as it may be called, was illogical; for he had clearly thought it his duty to obey the citation served on him in England by the pope's delegates sitting at Blackfriars. So it seems that, after having accepted the jurisdiction of the representatives of the spiritual sovereign, he could not refuse that of the sovereign himself. Besides, in the *forum ecclesiasticum*, in principle, earthly dignities count for nothing.

In this matter the prejudices of the English people were in accordance with those of the king; and, if they

* See chapter xvii, for a detailed account of the request to a great many universities to hold these doctrinal consultations.

were not shared, they seemed to be respected by Catharine. Clerk took pains to make her understand that a brief of the pope's addressed to the king would make a judicial citation unnecessary. Clerk, as his previous conduct shows, tried above everything to please the king, even at the risk of basely betraying the interests of his client.

Another complaisant prelate, Gardiner, had been summoned to Henry at Greenwich as chief secretary to his majesty. Gardiner, a creature and pupil of Wolsey, was endeavouring gradually to supplant his old master. The favour of this great minister sensibly declined.* After the dissolution of the Court at Blackfriars, the king seemed much more annoyed with him than with Campeggio for this disappointment in his suit. He gave the latter some valuable presents, as marks of his satisfaction at his services.† No doubt he thought that the Italian cardinal might still be of some use to him at Rome. When the two legates visited Henry at Grafton, Campeggio, who

* Some time before Wolsey was worsted by Anne Boleyn's influence. He had banished Sir Thomas Chesney from the Court for a serious personal offence. Chesney procured his recall from Anne Boleyn, and Henry blamed Wolsey and reprimanded him harshly.

† But he did not give him money, as Campeggio would have angrily refused it, as he had done before. See a letter of Du Bellay of January or February, 1529, Histoire du Divorce. J. Legrand, vol. iii, p. 299. [Calendar, Brewer, vol. iv, pt. iii, pp 2653 and dxix. There is no reason to believe he received any presents.] (Ed.)

was to start next day for Rome, was given a splendid and hospitable reception. As to Wolsey, he had at first a mysterious conversation with the king, was taken into the bay of a window away from the company, and shown a letter accusing him. There was no chamber prepared for him in the palace. He had to lodge in a house near belonging to Mr. Empton, formerly one of his *protégés*.*

On the next day, September 20, he again had a conference with the king, and, according to a chronicler (Cavendish), sat with him at the council On that day he went back to London, as did Campeggio, after dining with him in the palace at Grafton.

All this time Henry was living with Anne Boleyn, and she never ceased to malign all the actions of the statesman whom she sought to ruin, and who did not hesitate to say that if the Dukes of Suffolk or Norfolk, or the Earl of Rochford, her father, had done as much, their heads would be off their shoulders. Could Wolsey's devotion and great services much longer outweigh the importunities of a woman devotedly loved, who, herself being more ambitious than affectionate, pretended that she would only give her heart on condition of the sacrifice of the minister whom she envied and hated?

Henry also thought he knew that Wolsey had joined Campeggio in requesting the sovereign to

* See Brewer, Calendar. Introduction, vol. iv, pp. dxv, dxvi, dxvii, &c. (Ed.)

transfer a cause that they both found full of danger and difficulty, and wished to be rid of at any price, while in reality the two legates at the same time were begging the Holy Father to annul Catharine's marriage by his own authority; but the king could not forgive his minister and old favourite for having thus thrown up the game without warning, and having contributed to break up the very ecclesiastical court which he had so strenuously advocated. Probably the secret and confidential conversations mentioned above, referred to the letters written by Wolsey to the pope on this occasion, and the want of openness in his conduct.

As for Campeggio, he was in haste to be gone, and reached Dover without difficulty; but there he did not find the vessel he expected for the passage. Moreover, very soon after he was installed in his lodgings near the port, an officer of justice entered with a troop of archers. He gave himself up for lost, and threw himself at the feet of his almoner for confession and absolution. Everything in his lodgings was turned over, and there was not a place which they did not search. It was said that they were looking for treasure, or letters of Wolsey's; but nothing was found. Campeggio had hardly money enough to pay for his journey; as for the bull of decretal, and other papers that might have compromised himself or the pope, he had entrusted

them to his son Rodolphe,* who had gone two or three weeks before him. So, as soon as he recovered from his first fright, Campeggio, with a good deal of dignity and boldness, complained of the violation of the rights of nations in his person, and himself wrote to the king to demand a reparation proportionate to the offence.

We have the reply Henry made to his complaints; he disapproved and disavowed the rude and clumsy proceedings of the subaltern agents in performing their orders, but he told Campeggio that he no longer recognised him as legate in England, because his powers had been revoked. The king said he could see no more in him than a bishop of the kingdom, who owes respect and fidelity to his sovereign. And he says afterwards: "You may infer from it that my subjects are not very well pleased that my cause has come to no better conclusion. I have reason to doubt your faith, and the integrity of your friendship, when your deeds and your professions so little agree." †

Henry, however, did not oppose Campeggio's de-

* We have mentioned above that Campeggio had been married before he became priest and cardinal. This is related at length by Sigonius in his life of Campeggio.

† October 22nd, Henry VIII. to Campeggio. The letter is endorsed by Gardiner, and, considering its style and pungency, was probably his composition. Letters and Papers, Brewer. Introduction, vol. iv, p. dxxi, and pt. iii, p. 2077. Perhaps it was not very politic to thus alienate a prince of the Church who was treated so well just before as an attempt to gain him over.

parture, and he took advantage of his liberty to sail from Dover to Calais, where he could breathe more freely.

Wolsey was the person on whom the blame was laid for all that had occurred. We must here recall that Wolsey had desired to be sent to Cambrai, where negotiations were in progress for a treaty between Francis I. and the emperor. As this treaty was being arranged just at the time of Campeggio's arrival in England, this proposal was brought up against him, and it was alleged not to be a purely patriotic wish, but an excuse for avoiding to sit as one of the judges of the divorce suit; yet the event showed that the English interests had been ill served and almost sacrificed at Cambrai.

Wolsey's enemies—that is to say, the relations and friends of Lady Anne—were always working with her to bring about the downfall of the prime minister; they accused him again of having kept up a correspondence with the regent during the war with France, and of having received splendid presents from her; they declared that when the Duke of Suffolk had retreated from Montdidier to Calais, instead of marching upon Paris, he was under precise orders from the cardinal. The fact of the receipt of presents is undoubted, for Du Bellay, when interceding with the Court of France in favour of the minister when disgrace was impending, writes: "As to the presents, the cardinal hopes that Madame will

do him no harm when anything is said about it; in everything else he requests her favour." *

As some return to favour seemed to shine upon Wolsey after an interview he had with the king, Anne Boleyn made her suitor promise never to see or hear the cardinal again.† He attended and sat for a last time at a meeting of the council at Westminster, and his bearing with his colleagues was much more humble, whilst theirs to him was much more haughty and disdainful.‡ When he afterwards attended to perform his usual duties at the Court of Chancery,§ the attorney-general informed him from the king that he would be prosecuted under the statutes of *præmunire* and *provision* of the sixteenth year of the reign of Richard II., for having sat in a court of justice in England as the representative and delegate of the pope. This indictment involved the forfeiture of all his property.

Wolsey had obtained the king's licence for this act; he might have produced the letters patent he had asked for and obtained to that effect, but he thought it more prudent to submit without murmur or protest. He wrote a letter to the king acknowledging his guilt—at least, by implication—and

* See Du Bellay's letter, October 17th, 1529. Histoire du Divorce, J. Legrand, vol. iii, p. 370 et seq. Addressed to the Marshal de Montmorency, grand master of France.

† Histoire du Divorce, J. Legrand, vol. iii, p. 375.

‡ See Hall, p. 760. § October 9th and 20th.

humbling himself to ask for favour and mercy, with ignoble and undignified entreaties.*

It was then, whilst he was under the influence of his recent disgrace, that his friend, G. du Bellay, came to see him. The French ambassador was struck with the moral prostration of this formerly proud and haughty statesman; he mentions this impression in his antique and familiar language.

"Heart and tongue failed him entirely, his face is already thinner by half . . . He begs the king and madame to take pity upon him. And you may be sure that his misfortune is such that his enemies, even though they are English, cannot help pitying him, and yet they will not give over their pursuit of him to the very end . . . These lords fancy that, when he is dead or ruined, they will immediately dispose of the Church's property, and take all his goods . . . They mention it aloud."†

Wolsey was banished to Esher, the plainest and smallest of his country houses. In haste to obey, he went thither at once, though the weather was bad. He was overtaken on the road by Norris, a gentleman of the bed-chamber, bringing a message from the

* The letter concludes thus: "For surely, most gracious king, the remembrance of my folly, with the sharp sword of your highness's displeasure, hath so penetrate my heart that I cannot but humbly cry . . . . and say, *Sufficit;* nunc continue, piissime rex, manum tuam." State Papers, vol. i, p. 347. Letters and Papers, Brewer. Introduction, vol. iv, p. dxxiii.

† Histoire du Divorce, J. Legrand, vol ii, pp. 372, 375.

king, a letter, and a gold ring. Wolsey got off his mule and knelt in the mud to receive these unexpected marks of kindness. Then, desirous himself of sending back some token of thankfulness and affection to Henry VIII., he took from his neck a golden cross, in which was set a portion of the true cross, and then, turning again to Norris, after having said adieu, he said he was sorry that he could not send the king a present worthy of him, but, if Norris would be kind enough to offer his poor fool to the king, he hoped his majesty would condescend to accept him, as he certainly was worth a thousand pounds for a nobleman's amusement. Norris prepared to take the fool along with him. But Cavendish reports that Wolsey was obliged to send some of his yeomen to take the fool to Court by force, as the poor man became quite desperate when he found that he had to leave his old master. But he was taken to the Court, and the king was much pleased with him.

This poor fool, so faithful to the cardinal's fortunes, deserved, like the fool in "Lear," a more grateful master.*

Then Wolsey re-mounted, and went on his way to banishment somewhat lighter in heart.

Thenceforward Henry VIII. fell more and more under the influence of the person who was called his

* Cavendish, Life of Wolsey, pp. 182, 186, 191, and Tytler, p. 279. His name was Williams, generally called Patch.

night crow,* and this influence was fatal to Wolsey, who never received any further reply to the letters he addressed to the king. In his lonely house at Esher, deprived of all the pleasures of life, a prey to anxiety and most cruel apprehension, he fell seriously ill. Then Henry's interest in his old servant revived, at least for the moment; he sent three physicians to Esher, and, to relieve him from all anxiety, he persuaded Anne Boleyn to send him her tablets of gold, with a kind and courteous message.

But Wolsey got better, and, when he was supposed to be quite well again, an order was given him to resign all his ecclesiastical benefices to the crown, except the Archbishopric of York; out of the revenues of Winchester he was only allowed a thousand crowns; the rest was shared between the Duke of Norfolk, the Earl of Rochford, and their relations and friends.

Two different prosecutions were commenced against Wolsey, one before the House of Commons for high treason, the second before the Court of King's Bench for breach of the statutes of *præmunire*. On the first he was acquitted, on the second convicted. His conviction entailed political incapacity, and prevented him from holding any office of State; it also entailed the forfeiture of all his property to the treasury. Wolsey applied to Gardiner to obtain at least a partial remission of the penalty. This favour was

* See Miss Strickland, vol. iv, p. 213. (Ed.)

shown him, and the king even gave him a release from a personal debt; but York House was confiscated, and all its valuable furniture. This palace was Church property, and Wolsey had no right to relinquish it. However, he consented, that he might not further irritate Henry.

He soon left Esher and went to Richmond. There he lived in perfect retirement with the Carthusian monks, passing his time in prayer and mortification; but he was still too near the Court.

Anne Boleyn saw plainly that the king had some remains of affection for his old servant, and that he did not accept her continual hostile suggestions unreservedly. It was necessary, therefore, that the cardinal should be kept at a distance, so that he could not approach the king, or make him hear plausible excuses, or dangerous recriminations. As to her, she was always present, keeping a watch for any errors he might commit, collecting not only his deeds, but the speeches truly or falsely attributed to him, and surrounding him with spies and traitors, as we shall see afterwards. In this underhand, pitiless warfare she was also assisted by all the councillors and ministers of the new cabinet, who were jealous of the superiority of their old rival, and feared that a return to favour, restoring him to power, would bring them down again.

Anne, therefore, thought she could not do better than contrive that Wolsey should be banished to his

diocese. His enemies did not think that this would give him the opportunity for a moral restoration, and some recovery of the popularity he had completely lost.

As soon as the cardinal was established in his Archbishopric of York, his time was spent in the most exemplary manner; he remembered that he was, and ought to be, a bishop before everything, and that he held the cure of souls in his diocese. He began to make pastoral visitations; he laboured to reconcile disunited families, and largely distributed both moral and spiritual alms.

Henry VIII. had recommended him to the nobility of the county, and they began to draw towards him; the people were grateful to him for his kindness and charity. Gradually public opinion, even in London, became less hostile to him. The time might be predicted when the old minister, who had been sacrificed to the nation's murmurs like a kind of scape-goat, would at last regain some popularity. And more, the interest Henry VIII. had shown in him, on the occasion of his recent illness, might revive; a return to favour was not impossible. But his implacable enemies were ceaselessly on the watch to meet this risk; they had made every preparation to complete the destruction of the unhappy cardinal, whom they dreaded, even absent in his diocese. They had hired as a spy a certain Doctor Augustino, an Italian physician who had long enjoyed Wolsey's

confidence, and, while attending him with an appearance of devotion during his last illness, had completely gained his affection. When Du Bellay wrote to the Court of France to beg Francis I. to interfere, as if spontaneously and of himself, and endeavour to prevent the minister's fall when disgrace was already imminent, he also recommended that this proceeding of his should be kept secret, so as not to compromise the very man he wished to serve. At Wolsey's request, he entrusted this message to the physician Augustino. At this very moment this doctor was receiving a hundred pounds from the Duke of Norfolk for betraying his master's secrets.* This base wretch kept a journal of Wolsey's alleged machinations; and this treacherous book, prepared with the greatest care, was intended to enlighten the government concerning the man whose life he had only saved to contrive his destruction.

When Joachim de Vaux replaced Du Bellay as French ambassador, one of his duties was to endeavour to procure the restoration of his ancient power and dignities to Wolsey. He employed Augustino in the secret negotiations he set on foot for that purpose. On the 8th of November De Vaux wrote to the Marshal de Montmorency that he had delayed the dispatch of his letter that he might

* Letters and Papers, Brewer. Introduction, vol. iv, p. dxcix, pt. iii, p. 3057.

obtain fresh information about the *poor cardinal;* the king and the lords of the council he had seen, had sworn that they had not the least shadow of suspicion against De Vaux himself, and thought him a safe man. He says, "As to the cardinal, I fear there are no hopes. They say that they have many and grave proofs against him; and the king has told me that he has intrigued against his majesty, both in and out of the kingdom, telling me where and how, and that *one*, and perhaps more than one of his servants have discovered and accused him." *

There can be no doubt that Doctor Augustino kept the Duke of Norfolk informed of Wolsey's communications with France. These clandestine communications, although innocent in themselves, had been enough to excite the rage of Henry VIII., who could not bear the interference of a foreign power in domestic matters.

Bryan, the ambassador to France, wrote from Blois to say he had seen Francis I., and that, in conversation about Wolsey's late arrest, it was said "the king your brother was of the opinion that he thought he had well merited his said imprisonment." To this Bryan replied, "showing him if the particularities which I said did chiefly concern presumptuous (presumptive) sinister practices made to the Court of Rome for reducing him (Wolsey) to his former estate and dignity, contrary to his allegi-

* Letters and Papers, Brewer. Introduction, vol. iv, pp. dxcix, dc.

ance . . . ." This fresh accusation was entirely groundless. But it is none the less true that Francis said that Wolsey had dishonoured high positions by exhibiting in them the mean conduct derived from his birth, and that he deserved severe punishment.*

We are sorry to see the *roi chevalier* so lightly and ungenerously abandoning the fallen minister, whom he had formerly received so graciously, and who had implored his support with so much discretion and delicacy. But Henry VIII.'s ingratitude to a statesman whose whole life had been one course of devotion to his person is still more inexcusable. As for the king's ministers and councillors, who reproached that distinguished man with the obscurity of his birth, they had undoubtedly been born in the highest ranks of society, but certainly there was nothing noble, nothing that was not mean and vile, in the base means they made use of to ruin their political opponent. And, after all, it is not to their credit to repeat the words of Guillaume du Bellay: "The rulers now are the Dukes of Norfolk and Suffolk, the Earl of Rochford, and, above all, Miss Anne." †

There is also a letter from the Spanish ambassador that throws a vivid but lurid light upon the situation. "Eight days ago the king gave orders

* Letters and Papers, Brewer. Introduction, vol. iv, pp. dci, dcii, pt. iii, p. 3029. State Papers, 211.

† Histoire du Divorce, J. Legrand, vol. iii, p. 377. Letter of October 22nd.

for the cardinal to be brought here . . . . It is said he is to be lodged in the same chamber in the Tower where the Duke of Buckingham was detained . . . . A gentleman told me that a short time ago the king was complaining to his council of something that was not done according to his liking, and said in a rage that the cardinal was a better man than any of them for managing matters; and, repeating this twice, he flung himself out of the room. Since then the duke (of Norfolk), the lady, and her father, have not ceased to plot against the cardinal, especially the lady, who does not give over weeping and lamenting her lost time and her honour, threatening the king that she will leave him, in such sort that the king has had much trouble to pacify her; and though he prayed her most affectionately, with tears in his eyes, that she would not speak of leaving him, nothing would satisfy her but the cardinal's arrest. It is pretended that he had written to Rome to be reinstated in his possessions, and to France for its favour, and was returning to his ancient pomp, and corrupting the people. But since they have had the cardinal's physician (Augustino) in their hands, they have found what they sought for. Since he has been here, the same physician has lived in the Duke of Norfolk's house like a prince. He is singing the tune as they wished him."

Joachim (de Vaux) would not say a word about it to the Papal nuncio, but he told the Venetian am-

bassador that, *according to the confession of the cardinal's physician*, the cardinal had solicited the pope to excommunicate the king, and, if he did not, banish the lady from Court, and treat the queen with due respect.*

Further on, the ambassador intimates that there is another traitor in correspondence with the physician remaining with the cardinal; it seems this was Wolsey's own chaplain. Henry VIII.'s unworthy weakness must be deplored. This imperious sovereign, making all around him tremble, himself yielding to a woman and the passion that enslaved him, and inclined him to sacrifice everything, even the minister to whose abilities he paid remarkable and well-deserved homage.

Wolsey himself had no suspicion of the plots against him; he was at Cawood, and expected the chief nobles of the neighbourhood; his invitations had been sent out.

Without warning, he saw the Earl of Northumberland present himself early on the 4th of November. As soon as the earl was introduced into his chamber, he laid his hand on his shoulder and said, "My lord, I arrest you of high treason." The cardinal was

* Letter of November 27th. Letters and Papers, Brewer. Introduction, vol. iv, p. dciii, pt. iii, p. 3035. See also a despatch of the Mantuan ambassador. Ven. Calendar, p. 262. These letters were written about three weeks after Wolsey's arrest and his physician's, but are now quoted in explanation of the circumstances that led to this arrest.

quite astonished, and neither spoke a word. At last Wolsey, breaking silence, asked the earl for his written commission, and, as he did not produce it, refused to obey. A moment afterwards there came to the door Walshe, an officer of the king's chamber, who had just arrested Augustino with some pretence of using violent language, so that his treachery should not be suspected. The cardinal surrendered to Walshe, though neither he could show a regular commission.

Augustino was at once sent off to London strongly guarded, and then, as we have said, he found good entertainment at the Duke of Norfolk's.

As for Wolsey, he was obliged to deliver up the keys of his boxes and desks to the Earl of Northumberland and Walshe. For two days they were engaged in examining his papers and searching the house; they refused to tell him the grounds of his arrest and the charges brought against him.

He easily divined from what hand the blow came; he complained bitterly that the king, forgetting his old services, let himself be led by the hatred and prejudice of a mistress unworthy of his affection and confidence. He said that his political enemies were well aware of his innocence, but had only tried to find a way to destroy him.

The same evening he was taken to Pomfret in custody of Sir Roger Lascelles, followed by five of his own attendants. On the second day after, he

was received at Sheffield Park with much courtesy by the Earl and Countess of Shrewsbury; he stayed there a week, and the earl came several times in the day to offer consolations to the unhappy prisoner. Wolsey devoted all his time to pious exercises and serious preparation for death.

He was only fifty-nine years old, but his constitution had been undermined by the labours and anxieties of power; his health had been greatly affected by the annoyances that had not been spared him since his disgrace. At this time he was suffering from an attack of dysentery that seemed to exhaust what strength he had left.

Henry VIII., under the influence of his passion, had never felt any return of interest or compassion for his old servant. He gave him the last blow, by sending Sir William Kingston, Lieutenant of the Tower of London, with orders to take the cardinal to that formidable state-prison. The Earl of Shrewsbury had made a pretence of writing to the king to ask him to confront the innocent prisoner with his accusers, on purpose to relieve the apprehension that this officer's arrival was likely to produce on Wolsey's mind; and he now desired Cavendish to tell the cardinal that a favourable answer had been brought him from Henry VIII.

But Wolsey suspected that there was some artifice, and when Master Kingston was announced he said, "Master Kingston, Master Kingston," and then he

understood all. He requested his attendance; and when Kingston knelt to beg his blessing, "I pray you stand up," said Wolsey; "kneel not unto a very wretch, replete with misery, nor worthy to be esteemed, as a vile object utterly cast away. Stand up, or I will myself kneel down by you." And he made him rise. Kingston tried to re-assure the unfortunate prelate, telling him that the king bore him as much good-will and favour as ever . . . and there was no doubt he would be able to clear himself from all accusations. "If I were as able and as lusty as I had been lately, I would not fail," replied Wolsey, "to ride post with you; but I am sick and very weak. Alas! all these comfortable words which you have spoken to me are only to bring me into a fool's paradise. I know what is provided for me. Notwithstanding, I thank you, and will be ready tomorrow."

So he did not deceive himself; but his illness was destined to save him from the axe. Next day, though Wolsey had passed a very bad night, he had himself placed on his mule, and with difficulty managed to reach Leicester Abbey on Saturday, November 26.

As he entered the convent he said to the abbot. "Father Abbot, I am come hither to leave my bones among you." Immediately he went to bed. He was very ill, and his last moments scarcely escaped fresh annoyance. Fifteen hundred pounds in Wolsey's

possession had not been found at Cawood; Kingston was charged by the king to ask the cardinal what he had done with this money. When he entered the room where Wolsey had just received the viaticum, seeing him weak and dying, he had the delicacy not to insist upon doing Henry VIII.'s commission, and even said some words of comfort to him. The cardinal answered from his bed:

"Well, well, Master Kingston, I see the matter against me, how it is framed; but if I had served God as diligently as I have served the king, *He* would not have given me over in my grey hairs. Howbeit, this is the just reward that I must receive for my worldly diligence and pains that I have had to do him service. Commend me to his majesty, beseeching him to call to his remembrance all that has passed between him and me to the present day, and most chiefly in his great matter; then shall his conscience declare whether I have offended him or no. He is a prince of royal courage, and hath a princely heart; and, rather than he will miss or want part of his appetite, he will hazard the loss of one half of his kingdom. I assure you I have often kneeled before him in his privy chamber the space of an hour or so, to persuade him from his will and appetite, but I could never dissuade him."

He also urged Kingston to warn the king to be on his guard against the fearful encroachments of Lutheranism, as destructive to the authority of

temporal sovereigns, as well as to that of the Church. But his voice failed, his eyes became fixed and glassy. At this moment the convent clock struck eight, and he breathed his last. This was the morning of November 30th, the feast of Saint Andrew.

Kingston took upon himself to permit funeral honours to be paid to the cardinal without display, but with proper respect. Some few friends and servants, faithful to the end, are to be noticed amid the general desertion of this great minister after his last disgrace. When the clothes were removed to lay him out, a hair shirt was found next the skin. His corpse lay in state from eleven at night till four in the morning, in a chapel of the great church of the convent. Four persons only watched around his modest bier, with lights in their hands. Before day the monks chanted a mass for the repose of his soul, then he was borne to the grave on one of those chill and foggy December mornings when the day seems mourning, and nature feels the first rigours of winter.*

Wolsey had, however, incurred such hatred that the most virulent expressions were used against him. A pamphlet of the time says he had accumulated riches and honours with the intention of opening him-

* The king afterwards erected a handsome monument to him in Saint George's chapel at Windsor.

There was a report that the cardinal had poisoned himself to avoid a death on the scaffold; by a curious trick it was desired to make his faithful servant and secretary, Cavendish, originate this calumny. In the first printed editions of the life of Wolsey that

self a road to the pontifical throne, and that this mass of dignities had only made the cardinal an *eminence of mud.*

As his enemies, even after his death, endeavoured to blacken his memory, a report was spread that Henry lost in him a great minister and a useful moderator of his passions.

In Wolsey Henry VIII. lost the curb which had always restrained his passions within bounds. Thus he was not the same after the disgrace and death of that great statesman. The second portion of his reign does not at all resemble the first. By his caprice and cruelty he became the terror of his subjects, the scourge of the Church, and the scandal of Europe.

The policy of England was sensibly lowered by several degrees, when it fell from the hands of a minister like Wolsey into those of Norfolk, Suffolk, Cromwell, Gardiner, and Cranmer, and its prosperity at home and greatness abroad suffered an eclipse.

appeared the imputation on his master of having poisoned himself is to be found. But this passage is not to be found in the original manuscript. Wordsworth has effectually proved that it was an interpolation. There are moral proofs to be found as well as material. The notion of suicide could not have existed in a prelate who showed so much piety and resignation in his last moments. See note to Lingard, vol. vi, p. 164.

CHAPTER XVII.

Political Situation of England—Henry VIII. absorbed by his Passion—The chief Universities of Europe desired to deliberate on the Divorce Case—Pressure exercised on those of Oxford and Cambridge—Henry makes large Grants of Money to Francis I. to obtain favour from the French Universities, and especially the Sorbonne—Du Bellay and Marshal de Montmorency themselves visit the Doctors in Theology of Paris, and do everything they can to win them over to Henry's side—Disorder, Riots, and Violent Disputes between the Doctors—An Imperceptible Majority, due to Irregular Proceedings, in favour of the Divorce—In Italy Henry's Agents contrive to corrupt several Doctors of Bologna, Ferrara, and Padua—But the Success of their Practices is not Complete—It is discovered that the Minutes have been substituted or falsified—In Germany the Universities express themselves steadfastly against the Nullity of Catharine's Marriage—The Imperial Ambassadors in France and Rome protest against these Debates and the Irregularities of the Deliberations of the Universities—Petition presented to the Pope by some English Noblemen, putting forward political and other reasons for the Divorce—Firm and Dignified Reply in the negative from Clement VII.—Cromwell, in a conference with Reginald Pole, preaches to him the most Cynical Machiavelism, and most Servile Complaisance to all the King's Wishes—Courageous Attitude of Reginald Pole towards the King—Henry VIII., after a First Burst of Anger, shows himself generous and pardons him.

IN the course of the year of Wolsey's fall the policy of England had become more and more

involved in its relations with other powers; never had Henry VIII. been in greater need of the assistance of that able and experienced minister.

Charles V. had made his peace with the pope without losing his power over Italy. The two sons of Francis I. were still kept as hostages, and closely confined in the north of Spain; he, therefore, was careful not to offend the emperor for their sake. Nearer home Henry VIII. had two enemies, one on each flank: Ireland still half independent, and in a constant state of commotion, and Scotland always ready to make war upon him on any favourable occasion.

But the King of England neglected his people's interests for the interest that mastered him entirely —his passion. He tried to get auxiliaries at any cost in the chief universities of Europe, so as to obtain support for the doctrine he desired should prevail. His polemical ardour was infused into them; he stirred up violent disputes and noisy contentions; indeed, for what Wolsey called his phantasy, he disturbed the theological and scientific world all over Christendom.

Our subject somewhat leads us into a world apart, but the grand institutions called universities must not be judged by the melancholy scenes that will be sketched or described.

The corruption and disturbance introduced by the base agents of Henry VIII. were not the normal

state of these sanctuaries, usually so respected and so peaceful. Even in these times of revival, when human learning seemed already becoming popular, it was in the midst of these corporations of the middle ages that the torch of literature and real science burnt most brightly.

Oxford and Cambridge had long rivalled the best French and Italian universities; and Henry VIII. first endeavoured to win these two national institutions to his side. But this was the moment of Wolsey's disgrace, and he had greatly loved and improved the university of Oxford. A great many doctors and divines there, in consequence of this event, were very ill-disposed towards Henry VIII.

As the king suspected this was the case, the theological consultation was conducted irregularly. 1st, contrary to the usual practice, the masters of arts were not allowed to attend convocation; 2nd, the Duke of Suffolk, with Gardiner and Fox, were present at all the deliberations, and gave the doctors no liberty to express their opinions; 3rd, the learned divine, Holyman, was imprisoned, and two or three others were blamed for protesting against the pressure put upon them; 4th, the opposition stated that decision in the king's favour had not been that of the majority, and that the university seal had been clandestinely appended to a falsified sentence.*

At Cambridge the first meeting was very stormy,

* Lingard, vol. vi, note F, p. 385.

and passed in animated discussion without any conclusion.* At the second meeting, twenty-six doctors and bachelors were appointed as a committee to examine the question of law. They are said to have been equally divided, thirteen votes one way, and thirteen the other; at last they gave an affirmative reply, but conditionally.†

It was also plainly seen that the opinion of foreign universities would have more weight at the Court of Rome, and even on public opinion, than that of the two English universities, rightly suspected of being under the influence of the government of their country. Henry VIII. was especially desirous to secure the various faculties of the Sorbonne at Paris, and of the chief French universities, in favour of the divorce.

But to accomplish this the consent of Francis I. had to be obtained. Henry knew that he was in want of money to pay his children's ransom, and perform the engagements of the treaty of Madrid. To obtain favour, he did not hesitate to make the greatest sacrifices.

The King of England had in his possession a splendid fleur-de-lis of diamonds that had once belonged to the house of Burgundy, and which Philip

* J. Legrand says this was the first university consulted. Histoire du Divorce, vol. i, p. 170, et seq.

† The king had excluded the point of consummation of the first marriage, and that was restored.

the Handsome, Charles V.'s father, had pledged to Henry VIII. for the sum of fifty thousand crowns. Francis I. had entered into an engagement to redeem this fleur-de-lis, and pay five hundred thousand crowns more to the emperor, as he had not fulfilled some conditions of the treaty of Madrid. Henry VIII. gratuitously remitted these five hundred thousand crowns for the King of France, as well as the fleur-de-lis, and lent him four hundred thousand crowns more to make up the sum of two million crowns that was required to ransom the French princes from their long and hard captivity.

Guillaume du Bellay and Joachim de Vaux were both in England as ambassadors, and were desired to receive the money, give receipts, and sign deeds. They both wrote to their government that Henry VIII. was most ardent in his wish for the dissolution of his marriage, and complained that the University of Paris had not sent him any answer, though he had consulted it on this theological question several months ago.

Du Bellay returned to France during the month of February, 1530; he brought the receipt for the five hundred thousand crowns and the diamond fleur-de-lis. He was accompanied by Sir Francis Bryant, a friend and relation of Anne Boleyn, and one of Henry VIII.'s favourites. They were to work together to procure a favourable declaration for him from the University of Paris. Joachim de Vaux re-

mained a year in England, and received the four hundred thousand crowns lent by Henry to Francis I.

Du Bellay, after a short stay at Blois, went to Orleans, and won that university over to approve of the dissolution of Catharine's marriage. But he met with much greater difficulties in gaining the vote of the Sorbonne. The King of England had written with his own hand most flattering letters to the doctors of theology of this celebrated faculty. Marshal de Montmorency, the first minister to the King of France, had gone in person from door to door begging their votes. After the ground had been well broken by these proceedings, Du Bellay was present on June 8th, by the order of Francis I., at a general congregation of the University of Paris, summoned to deliberate on the question as to whether Henry VIII. could lawfully marry the widow of his brother Arthur, Prince of Wales.

Du Bellay made a long speech, and, under colour of impartiality, came to a direct conclusion in favour of the King of England's proposition. Amongst others, he made a very rash assertion that some Italian universities had already pronounced in favour of the divorce, while those of Padua and Bologna, the only ones of that country which finally gave in to that opinion, had not yet come to a final decision. Du Bellay was said to be not only the friend, but the pensioner of the King of England.

Doctor Beda ventured to complain of the partiality of the King of France towards the monarch whose cause Du Bellay seemed to advocate; and he, afraid of a more direct accusation, put the troublesome doctor to silence by saying that the faculty had only to do justice, and that, if they pleased God, *they would please the king and displease no one.*

On this Du Bellay left the hall, so that the doctors might be more at liberty to say what they thought, and come to what conclusion they chose.

The first to speak were of opinion that they ought to deliberate on the question submitted to them in accordance with the desire of the King of France. Others maintained that they could not consider the matter without having written to the pope, as this cause was dependent upon him in its essence. Others desired to write to the king and the pope at the same time, and meanwhile commence their deliberations. Some said that the sovereign pontiff had forbidden discussion of this business, either in England or elsewhere, whilst it was pending at Rome. On this a member of the Sorbonne "remonstrated, saying that the privileges of their body were derived from the king as well as the pope, that it was an imputation on the pope's honour to impute to him that he would have given such a prohibition, so that no consolation nor remedy could be given to the wounded conscience of a Christian, and that there was no reason to obey such a prohibition; and when the bedel was taking

the names and opinions of the debaters that the opinion of the majority, one of the said lords our masters got up, snatched the roll from him, and tore it up, and thereupon they rose in a body with great and disorderly tumult . . . Thus did the meeting break up, and the King of England's ambassadors, who were walking in a corridor, and saw them come out with so much noise and disorder, and heard all they said to one another, returned to their lodging very angry, and thinking very ill of the business."*

The ambassadors were much disgusted at such an exhibition, and Du Bellay persuaded them not to write to their master till two days afterwards; and he also caused the recalcitrant doctors to be informed

* Histoire du Divorce, pp. 465, 466.

Doctor Garay to the emperor, April 9th, 1530: "The King of England has worked and is working so furiously in this matter of the divorce that his doings are enough to set the world on fire. Fearing lest he (Garay) should obtain the signatures of the majority of these doctors—which might easily have been accomplished had not the above-mentioned obstacles been thrown in his way—he has hit upon a diabolical device to mar our success and ensure his own, which consists in the appointment of a gentleman named Langes (De Langeais), a brother of the Bishop of Bayonne, French ambassador at the English Court, and, as it is to be believed, well trained in civil law, to serve his plans. This is the very man who, as above stated, caused the original conclusion in favour of the queen, signed by fifteen doctors, to be snatched out of his (Garray's) hands by the rector, on the plea that in so doing they were only acting in obedience to superior orders, and fulfilling their duty." Gayangos, Calendar, vol. iv, pt. i, pp. 497, 498. "Langeais, or De Langeay, as his name is otherwise written, was Guillaume du Bellay, brother of Jean, Bishop of Bayonne." Gayangos, Calendar, vol. iv, pt. i, p. 623. (Ed.)

by the president that they must meet again for debate, and at last they consented.

There were, however, some very stormy meetings, and the English ambassadors gave a very unsatisfactory account of what had passed, so that the Duke of Norfolk wrote to Marshal de Montmorency that he did not understand anything about it at all, and that his correspondents informed him that at one meeting of the doctors of the Sorbonne there had been fifty-six votes for the King of England and only seven against him, and in the next thirty-six against and twenty-two for him. Such a defeat must have been a great surprise to Henry VIII. In this letter the duke cynically tells the first minister of France that he must contrive, by his kind assistance, to procure for Henry the end of his desire at Paris in his business.*

Du Bellay not only made use of threats, but also of promises, and even of bribery, with some needy doctors, who were, as Pole says, more susceptible to hunger than honour, *quos fames magis quam fama commoveret.*†

The lawyer Dumoulin, unfavourable to Rome, says that the doctors of Paris gave their final opinion

* Histoire du Divorce, p. 475.

† Pole, still a young man, being at Paris was requested by Henry VIII. to assist the divorce, he made excuses, saying he was no theologian. ["Many again by downright bribery, for he has given them one crown per head, have voted in favour of the English king." Gayangos, Calendar, vol. iv, pt. i, p. 498.] (Ed.)

at the end of the month of June, and on the votes being counted there were fifty-three for the King of England, and forty-two against him, and five who wished the matter referred to the pope. As the votes were thus divided the Bishop of Senlis took the registers with him. The faculty ordered him to return these registers, but he refused, pleading secret orders from the king.* The two parties were very much enraged with one another. Never was there such an uproar among the divines of Paris. The imperial ambassadors interfered, and complained to the king of the English agents' intrigues; they begged to have the minutes communicated to them, and to be authorised to bring forward their arguments against the divorce before the University of Paris, and, at the same time, desired a safe-conduct for the Spanish doctors, for fear the English ambassadors should have them killed.† The king allayed their scruples, and spoke them fair, but their attendance did not take place. As the Sorbonne had already held its deliberations, and come to a decision, Du Bellay insisted on having an authentic copy of the decree delivered to him, and applied to the first president of the Parliament of Paris to get it for him.‡ This magistrate was much disinclined to be

* Histoire du Divorce, J. Legrand, vol. iii, p. 498.

† Letter of Du Bellay, and Histoire du Divorce, J. Legrand, vol. i, p. 183.

‡ Jacques Brinon was the name of the president. Gayangos, Calendar, vol. iv, pt. i, p. 623. (Ed.)

engaged in the business, and he wrote to the king that it would injure Henry VIII. more than serve him. He was desired to punish Doctor Beda, who, according to Du Bellay, had raged like one possessed. He absolutely refused, and contented himself with remonstrating with both sides, to calm and quiet them.* Do all he would, Du Bellay could not get the copy of the minute given to himself. First President Lizet had it sent direct to the king.†

* Histoire du Divorce, vol. iii, pp. 489, 490. G. du Bellay was obliged to go to Bayonne, and left the prosecution of the business to his brother, who, he says, took it *moins chaudement que moi*. Histoire du Divorce, vol. iii, pp. 490, 491. Du Bellay also says that Beda was very much suspected of having altered the register. Histoire du Divorce, vol. iii, p. 502. We have a very rare pamphlet before us, a letter of Burnett's to M. Thevenet, with notes and remarks of M. Legrand upon Burnett's letter. Paris, Veuve Martin, 1688. In page 21, it is stated that the real feeling of the University of Paris was that there was no divine law at all in the Old Testament, except the Ten Commandments; that those who were of a contrary opinion had been won by the *Angelots* of England, and most of them retracted, *plurimi retractarunt sententiam*. This is the proof given by the author in his notes. In the winter of 1532-3, a thesis was proposed in the Sorbonne declaring the validity of the dispensation granted to Catharine of Aragon to marry her brother-in-law, and, consequently, the validity of her second marriage. More than five hundred doctors and bishops were present. An immense majority pronounced in favour of the thesis. "Pronunciaverunt matrimonium serenissimorum Angliæ regum, modis omnibus ratum, legitimum, sanctumque esse, neque aligno pacto impia, et intempestiva curiositate debere convelli." This thesis, followed by this decision, is quoted as having been printed at Lunebourg, by Sebastian Golseman, in 1533.

† Histoire du Divorce, vol. iii. See Du Bellay's long letter of August 15th, when he says that he had "pursued" that magis-

There were fourteen universities in France; three more of them were consulted, and consented to deliberate. They were those of Toulouse, Bourges, and Angers. That of Toulouse was favourable to Henry VIII. In that of Bourges, it is believed that the faculty of law pronounced against the divorce. At Angers the faculty of divinity, in the face of all machinations, roundly decided that a marriage between brother and sister-in-law was not contrary to either human or divine law, and that in such a case the sovereign pontiff might grant a dispensation on reasonable grounds.*

There were six or seven Italian universities, and Henry had managed to gain over three of them—Bologna, Padua, and Ferrara. The commissioners sent by Henry VIII. to these universities were Ghinucci, Bishop of Worcester, Gregory Casale, Stokesley, and Croke. The last-mentioned especially did not shrink from employing any kind of means.

trate, and, instead of himself receiving the document, was obliged to be contented with the reply that it had been sent to the king the same morning. He begs Marshal de Montmorency to send him the document *incontinent*, and says, "I should like to have bought it with my blood, and to have it; I have promised it to the King of England's agents." Histoire du Divorce, vol. iii, pp. 502, 503, 504. It is a very curious letter to read, half comic, half serious.

* "Hujusmodi matrimonium non adversatur juri naturali neque divino, et pontifex, propter causam rationabilem potuit in hac re dispensare." See the entire document, Histoire du Divorce, vol. iii, pp. 507, 508.

He himself wrote to Henry about Padua that he had not bought the doctors with gold, but that, when they had voted right and signed their names, he had given them handsome presents in recognition of their good-will; and then he says: "Albeit, gracious lord, if that in time I had been sufficiently furnished with money, albeit I have besides this seal (which cost me one hundred crowns) procured unto your highness one hundred and ten subscriptions, yet it had been nothing in comparison of that might easily and would have been done." *

In the University of Bologna Pallavicino, a carmelite friar, and one of the dignitaries of the university, had been gained. He and four of his colleagues had prepared a document which he declared had been privately decided on by the university, and he had given a notary the text of this pretended deliberation, undated. But, this trick having transpired, Pallavicino was called before the governor of Perugia, and confessed that he had manufactured the document, and that no debate had taken place in the university.†

* Lingard, vol. vi, p. 387, quoted from Strype i, ap. 106. Morisson, writing four or five years after Cockeens, was obliged to admit that Henry had given presents to the doctors supporting his cause, but alleged that this was only as a mark of recognition, and more as a recompense for their trouble than as a bribe. Histoire du Divorce, J. Legrand, vol. i, p. 187.

† The depositions of Pallavicino and his accomplices are to be seen in a very genuine collection.. Rymer's Fœdera, vol. xiv, pp.

At Ferrara, one portion of the faculty of theology seems to have voted in favour of Henry VIII. But Croke failed in his negotiation with the professors of civil and canon law. He had offered them a hundred crowns! This offer was contemptuously refused. Two days afterwards, he would have given twice as much, but it was too late; the faculty of law had the evening before decided that they would not interfere in the matter, nor submit it for deliberation.*

Putting all these things together, it is clear that Henry VIII. had not much reason to boast of the suffrages of these universities, which he had claimed as favourable to his views. †

Though the king had sent some very active agents to Germany—Cranmer, Giovanni Casale, Andreas, and Previdellus—the universities of that country either refused to deliberate or declared against the divorce, and indignantly rejected Henry VIII.'s money and presents. No one has ever asserted that similar methods of corruption were employed by Charles V. The English ministers and

393, 395, 397. Probably Croke had obtained a copy of the depositions to show that he had not meant to deceive the king, but had been deceived himself.

* Burnet, vol. i, p. 91.

† Bossuet's analysis of these debates is to be found in his Histoire des Variations, Book vii: "Clement VII. aurait été indigne de la tiare, s'il avait eu le moindre égard à ces consultations mendiées."

courtiers said, with great insolence: "After all, they are only Germans."

A protest, the date of which is not exactly known, was sent to the pope by the imperial agents residing in Rome during the course of the year 1529, whilst the consultation of the universities was still going on, and before their replies were known. In this species of petition they desired that an inquiry should be made as to the promises, interruption, and corruption made use of by the King of England in order to obtain favourable opinions on the divorce from these learned bodies. The English nuncio was to be charged with the inquiry in the universities of Oxford and Cambridge; the Parisian as to the French universities. As for Ferrara and Bologna, the legates of those two cities had already received orders to question the doctors of the various faculties to ascertain what had taken place.

In their petition the Spanish ambassadors requested the pope "*crescente necessitate*," to publish a new brief,* enjoining everyone, under severe penalties, not to attempt any opposition to the pontifical decrees and interdicts in matrimonial matters, and in particular forbidding the English Parliament, and the nobility and gentry of England, to interfere in the marriage suit, now actually pending before His Holiness. They wished that a special brief should be sent to each and every university, "*tum ultra quam citra montes*," en-

* One had been published.

joining them not in any way to give their opinion on this question during the trial, and they asked that letters might be addressed to the doctors of Paris who had voted against ecclesiastical authority to come to Rome and give an account of their conduct.

They also desired that the King of England should be enjoined to dismiss "the adulterous woman, or the one suspected to be such, and express a wish that the nuncio in England should be desired to make a fresh inquiry in reply to that held on Catharine's first marriage."*

This document is subscribed by "Michael Mai and Andreas de Burgo, councillors and ambassadors of his imperial majesty and of the King of Hungary respectively, prosecutors and solicitors of her most serene highness the Queen of England." Probably, therefore, Catharine had sent them a regular power.

We think it well now to go back and relate an occurrence of considerable importance, and tending to remove the question of Henry VIII.'s divorce from the narrow circle of his passions and selfishness.

* Gayangos, Calendar, vol. iii, pt. ii, pp. 979, 980. As the document has no date it is placed by the editor in April. But the votes of the University of Paris could not have been known at Rome before the months of August or September, so the petition of the imperial ambassadors (Michael Maius and Andreas de Burgo) must be referred to this date. And on the margin of the *(draft)* document is an observation of the lawyer of the embassy in these terms, "Quum ipsi habeant vota quatuor universitatum, melius est tacere, donec nos habeamus etiam nostra." Possibly this petition only remained in draft, and was never sent to the pope.

When the King of England saw public opinion arising in favour of Catharine, and the zeal of the legates entrusted with the trial of the suit declining more and more, he perceived that he must make some sort of diversion, and give his suit a colour of national interest. So he tried to attach the English nobility to his cause, and induced them to take a kind of initiative in the matter, by a direct address to the sovereign pontiff. Doubts having been raised as to the legitimacy of the Princess Mary, even though these doubts were ill-founded, pretenders to the crown would make them an excuse to exalt their claims over those of a young girl incapable from her sex of defending her own. Then there would be the spectacle of a renewal of civil war, like that which had seen the houses of York and Lancaster in arms, and had caused English blood to flow in torrents during the fifteenth century. Henry, his ministers, and all his friends or favourites, dexterously put forward these considerations, and managed to get the nobles of the kingdom, or a certain number of them, to write a letter to the pope, entreating him to give their sovereign satisfaction by declaring the nullity of his former marriage, so that he might contract a second, and have an heir male, whose rights should be incontestable.

Policy does not always agree with justice, and it prompted a number of lords spiritual and temporal to write a letter to the sovereign pontiff, of which

this is the substance. They said that not only the king but the whole realm of England were complaining of the interminable delays that had arisen in the decision of an affair that was in the highest degree interesting to the whole country. His Holiness had received incontestable services from the English government, and really ought to give a favourable hearing to their prayers, and remedy their grievances, as he could not be ignorant of them. That the most learned universities in Europe had examined the question of the validity of the king's marriage, and are said to have found that Henry VIII. had reason to require a declaration of nullity; "therefore all England beseeches His Holiness to give his sanction to this general opinion that the voiding of this marriage would be equitable and advantageous. This would be the only means of ensuring the peace of England and preventing the horrors of civil war, into which it would certainly again fall, if the king were to die without male offspring; and therefore supplication is made to His Holiness to enable him to have hopes. Having always considered the sovereign pontiff as our father, we beseech him to look upon us as his children, and not to abandon us. If His Holiness should indefinitely defer to grant our request, we shall take too long a delay as a refusal, and shall, in consequence, find ourselves obliged to seek a remedy elsewhere, and perhaps come to some melancholy extremity, to

our great regret; but finally a sick man seeks comfort wherever he thinks he can find it."

The date of this letter is July 13th, 1529. It is signed by Cardinal Wolsey, the Archbishop of Canterbury, the Dukes of Norfolk and Suffolk, two marquisses, thirty earls, four bishops, twenty-five barons, twenty-two abbots, and twelve members of the House of Commons.*

The 29th of September following, Clement VII. made a calm and dignified reply to this petition. He said he forgave the English lords the harsh language they had used in the end of their letter, and attributed the improper expressions to their affection for their king. He begged them, as a fond father, not to think of seeking remedies elsewhere than in the bosom of the church. He pointed out to them that it is not the physician's fault when the sick man is impatient, and will do nothing he dislikes; that, if Henry VIII. had the opinion of some doctors and some universities on his side,† the queen could appeal to the law of God, and high authorities found in the writings of learned divines; that Europe would not understand that a marriage could be disputed which had been contracted and completed so many years ago on a dispensation

* Histoire du Divorce, J. Legrand, vol. i, pp. 200, 201, 202, et seq.

† The opinions of the foreign universities could not be known in England by the 13th of August, but certainly were at Rome by September 22nd.

from the pope, asked for by two great kings, and after the birth of several children. He said he had no greater wish than to gratify the king as far as he could, without violating the most sacred claims of justice; and he did not think that, as the king was so pious, he would approve of the letter of these lords.

The king expressed great discontent at this letter, though the pope had taken pains to speak with the greatest kindness of him personally.

Clement, however, did not for a moment swerve from the line of moderation he had laid down. Just now Henry VIII. thought he could find a firm and powerful support in the French alliance. He supposed that, as soon as the French Princes were set free, Francis I., on the spur of gratitude, would do everything he wished, and that by getting France to join him in the threats of separation already thrown out by England, and supporting these threats by preparations for war against the emperor, he would force the hand of Charles V. and of the pope himself. But Francis I. did not intend to push matters to such an extremity. He wanted peace to cure the wounds and exhaustion of France. In spiritual matters he desired union, and not rupture.

Within England, Henry VIII. continued his system of seduction and temptation of the most distinguished and respected men of the country.

Thus did he try to win Sir Thomas More, Chancellor of the Duchy of Lancaster, whom he made Lord

Chancellor instead of Wolsey. And thus did he cause overtures to be made to young Reginald Pole,* his relation, who had just concluded a brilliant course of study, and had become intimate at Padua with Bembo, Sadolet, Contarini, and other learned men of the time. He was a pattern of propriety, and a lawyer of the first rank. He had just returned to England to breathe his native air, and find a little peace and rest in the Carthusian monastery at Shene. There, according to his own account, he received a visit from Cromwell, who had been Wolsey's secretary, and had just passed into the service of Henry VIII. This statesman came to put an adroit question to him as to the validity of Catharine's marriage. Young Pole replied that it was a very difficult question, and that the learned ought to be consulted on the answer. Cromwell replied, with an ironical and disdainful smile, that the learned were buried in their books, and knew nothing of the world or its business, and were apt to make great mistakes. They were especially apt to incur the anger of kings, and run into great perils with their eyes shut, if they could not suit their words to time, places, and persons.

* Pole's grandmother was a Clarence. The facts here related took place a little later, but the order of events leads us to anticipate their chronological place.

That young nobleman was the son of Sir Richard Pole, a Welsh knight, and of Margaret, Countess of Salisbury, the daughter of George, Duke of Clarence, who had been put to death by the order of his brother, Edward IV. Lingard, vol. vi, p. 180. (Ed.)

That he ought to know that a wise adviser should observe these things with care, so as to discover what is the real veritable will of the monarch, and, having found it out, while pretending not to advise him against any duty or virtue,—for princes pay great attention to the appearance of this,—he must be most careful to take every pains to comply with his master's wishes, and make them acceptable. He said a minister of Nero ought not to have expressed any horror at the murder of Agrippina, when the parricide had once been accomplished; but he would have acted very wisely if he had endeavoured to quiet the king's conscience, and invent reasons of State for him, to put him at peace with himself.

And as Cromwell saw that, far from being seduced, Pole was rather disgusted by these suggestions, he told him that he was inexperienced; that great experience in public business was wanted for an understanding of him (Cromwell); that the government of men and disputes in the schools were quite different things. Then he advised the study of Machiavel's work, his statesman's breviary, and sent next day the book of "The Prince." "When I began to read that book," says Reginald Pole, naïvely, "I recognized that it had been written by the finger of Satan."* And he sent this treacherous present back to Cromwell at once.

* "Vix cœpi legere quin Satanæ digito scriptum agnoscerem." Apologia ad Carolum quintum Cæsarem, by Pole.

Among the favourites and advisers of Henry VIII., such as Bryant, Rochford, Norfolk, and Suffolk, Cromwell was perhaps the most cynical, but the rest were no less corrupt. They acted on the same principles, only did not venture to speak them aloud. And this gives us a glimpse of gulfs of wickedness around this unhappy king.

Some time after the conversation with Cromwell, Reginald Pole was received by Henry in the royal gallery at Whitehall. We do not know that the touch of Machiavel's philosophy might have slightly contaminated his purity of soul. He himself states that he had prepared a speech, and intended to give a more or less qualified assent to the king's views of the divorce. But he exclaims to divine goodness, just as he was going to tell the king that he thought favourably of his wishes and plans, his tongue hesitated, his mouth remained shut, and he could not say a word he had prepared. When he at last recovered his speech, it was to put forward all the arguments that could be found to turn against the very thesis that he had intended to support.* The

* Lingard, generally so correct, seems to us to have slightly distorted the facts when he says, "After many debates with his brothers and kinsmen, and a long struggle with himself, he fancied that he had discovered an expedient by which, without wounding his conscience, he might satisfy his sovereign." Lingard, vol. vi, p. 181. Making Pole less weak and guilty than he was, at least intentionally. This is the text of Pole himself, in that part of his narrative which does not correspond with the English historian's account:

"Ad regem. Ut veni valde expectatus, quemadmodem initio ser-

king's surprise and anger may be imagined, when he heard this language; he laid his hand on his dagger, and sharply interrupted the speaker, who retired in tears.

When Pole returned home, Lord Montagu and his brothers were greatly alarmed, and told him that his obstinacy would bring them to ruin, and perhaps to the scaffold. Pole, attributing what had passed in his conversation with the king to a supernatural intervention, did not care to deny language that seemed to him a direct inspiration of the Holy Ghost. He recognised that he had been arrested on the road to apostasy by a kind of miracle, and so he consented to write a modest and touching letter to the king, firmly maintaining his own opinion on the divorce, and lamenting his misfortune in being unable to share that of his august benefactor and relation. Montagu went to Henry with his brother's excuses; the king told him: "My lord, I cannot be offended with so dutiful and affectionate a letter. I love him in spite of his obstinacy, and, were he but

monis ipse testatus est, quum, ut ejus satisfactioni satisfacerem ingressum in causam quærerem, hic non dicam hæsitasse me, non satis quæ dicere volui, explicasse; sed, o bonitatem divinam! Ita mihi et lingua plane impedita et os obstructum, ut ne verbum quidem effari potuerim de iis quæ mecum eram meditatus. Cum autem loqui tandem cœpissem minima de rerum, quæ eam sententiam oppugnarent, cujus defensor expectatus veneram hic, quam graviter perculsus fuerit et attonitus, nihil attinet dicere, &c." De Ecclesiæ Unitatis Defensione. Lib. iii, cap. iii, fol. lxxvi. In his apology to Parliament, Pole employs almost the same language.

of my opinion on this subject, I would love him better than any man in my kingdom." *

At this time Henry VIII. had still some remains of his old generosity. He continued to tolerate opposition when it was presented in respectful terms. The time was not far distant when he would not bear it in any shape.

* Lingard, vol. vi, p. 181.

CHAPTER XVIII.

Henry VIII.'s two Ministers—Doctor Gardiner; his Diplomatic Talents—Sir Thomas More—His Father a Judge of the King's Bench; he himself a Counsel and Member of Parliament—He becomes Speaker of the House of Commons—Cromwell, his Origin and first Adventures—In the Beginning of his career he shows Hostility to the Church—Coronation of Charles V. at Bologna—The Earl of Wiltshire, Anne Boleyn's Father, sent as Ambassador to the Pope and the Emperor—Cranmer goes with him as Theologian—Cold and Haughty Reception of Charles V.—Henry loses heart, and almost gives up Anne and returns to Catharine—Inspired by the Boleyns, Cromwell tries a bold Stroke—He begs a private Audience of Henry VIII., hardens him against every scruple, and becomes his Evil Genius—He procures the passing of Resolutions in favour of the Divorce, and a first bill of the King's Spiritual Supremacy, first by Convocation, and then by both Houses of Parliament.

WOLSEY'S offices were divided between Gardiner and Sir Thomas More, whom we have mentioned before. Stephen, or Stevens, Gardiner was born at Bury St. Edmunds, of very humble parentage. He spent the first years of his life at the University of Paris, and there gained a good reputation as a jurist, and better as a humanist, for he repeated

and acted Plautus's comedies with great spirit. He was called *Felix actor et eloquens.** In 1525 he became tutor, or professor, in Trinity College, Cambridge. In 1526 he entered into Wolsey's service, and this introduced him to the political world.

It may be remembered that he was selected by the cardinal, with Fox, for a difficult mission to Clement VII. He distinguished himself by his ability, and became leader of the deputation, and in that capacity made himself again remarkable for audacity and arrogance towards the sovereign pontiff.

Henry VIII. was pleased at the way in which he had performed his mission, took him into his confidence, and made him Secretary of State; thus he became successor of the great minister who had been his tutor in public business. If he had not been an ordained priest, perhaps he might have been made Lord Chancellor. But the king would not have another churchman in that high office.

Gardiner was audacious enough towards the pope, but terror-stricken before Henry VIII.; he always seemed ready to be servile and compliant, and to gratify his master's passions. He was of the race of Court prelates, who are the ruin of kings by twisting even the law of God to accommodate their whims.†

The lawyer, Thomas More, who was made Lord

* John Leland calls him so in his Encomia, p. 117. See also Brewer. Introduction, vol. iv, p. cccxxxvi.

† But it must be allowed that he acted better during the second portion of his life.

Chancellor, was very different in character. His father had been a judge of the court of king's bench, and he wished his son to put on the long robe. So, having finished his studies at Oxford with great success, the young student early entered upon legal labours. But it seems that he turned aside, for a moment, from law to theology; he was scarcely more than eighteen when he lectured in Saint Lawrence's Church, London, on Saint Augustine's *Civitas Dei*. His enthusiasm for the Bishop of Hippo was unbounded. At this period of his life he wished to put on the serge gown of the Franciscan friars, after preparing himself for a life of mortifications; but from this his confessor dissuaded him. His real vocation was to be a pattern husband and father, and to set an example of perfect integrity and heroic independence in public life.

Towards the end of the reign of Henry VII. he had been Under-sheriff of the City of London, and was elected a member of parliament, when he became the principal opponent of an aid that the avaricious king had wished to claim from England.*

The first of the Tudors was inclined, like most of

* This was on the occasion of the marriage of the king's eldest daughter, Margaret, to the King of Scotland, when he had a right to claim an aid, but thought it a good opportunity to gratify his avarice by demanding a much larger sum than he intended to give his daughter. More was then about twenty-four. Lord Campbell's Lives of the Chancellors, vol. i, p. 518. (Ed.)

his successors, to curb the constitutional liberties of the country by a considerable exercise of arbitrary power.

"And for as much as he, nothing having, nothing could lose, his grace devised a causeless quarrel against his father, keeping him in the Tower till he had made him pay to him a hundred pounds fine. Shortly hereupon it fortuned that Sir Thomas More, coming in a suit to Doctor Fox, Bishop of Winchester, one of the king's privy council, the bishop called him aside, and pretending great favour towards him promised that, if he would be ruled by him, he would not fail into the king's favour again to restore him; meaning, as it was afterwards conjectured, to cause him thereby to confess his offences against the king, whereby his highness might with the better colour have occasion to revenge his displeasure against him; but when he came from the bishop he fell into communication with one Maister Whitforde, his familiar friend, then chaplain to that bishop, and showed him what the bishop had said, praying for his advice. Whitforde prayed him by the Passion of God not to follow the counsel, for my lord, to serve the king's turn, will not stick to agree to his own father's death. So Sir Thomas More returned to the bishop no more." *

Henry VII.'s death soon followed; and Thomas had no occasion for an honourable sacrifice in order

* Lord Campbell's Lives of the Chancellors, p. 519, from Roper.

to ransom his father. He was elected member of parliament for the session of 1522-23. He distinguished himself as an orator, and was appointed Speaker of the House of Commons. But More was especially distinguished at the bar. He was selected to conduct one important case before the Star Chamber. The nuncio had chosen him to plead for the restoration of a vessel belonging to Leo X., which had been seized as forfeited to the English crown. He won the case, and Henry VIII., being present, was so much struck with More's ability and eloquence that he made him, successively, Master of Requests, a Privy Councillor, and Chancellor of the Duchy of Lancaster.

A fortunate argument for a pope was the cause of his rise; his devotion to the papacy was afterwards the cause of his ruin and fall. In choosing More for chancellor, and keeper of the great seal, Henry had been careful to select a person of undistinguished family, and unconnected with the high church dignitaries, or great nobles of the kingdom. He counted on servile obedience from More, who owed everything to him. But he had to deal with a conscience that was too pure and noble to give or sell itself away.

Yet we may feel surprise that Thomas More, an opponent of the divorce, should, even when the suit was still in progress, have accepted the dangerous post of chancellor and minister to Henry VIII. in

succession to Wolsey. He was not ambitious, nor supposed to be so. He said he accepted the office in the hope of being useful to his country, and was generally believed.

On his installation as chancellor he made a bold and dignified reply to the address of the president of council, the Duke of Norfolk, concluding thus, "Wherefore I ascend this seat as a place full of labour and danger, the which, by how much the higher it is, by so much greater fall I am to fear, as well in respect of the very nature of the thing itself as because I am warned by this late fearful example. And truly I might even now at this very first entrance stumble, yea, faint, but that his majesty's most singular favour towards me, and all your good-wills, which your joyful countenance doth testify in this most honourable assembly, doth somewhat re-create and refresh me; otherwise this seat would be no more pleasing to me than that sword was to Damocles, which hung over his head, and, tied only by a hair of a horse's tail, seated him in the chair of state of Denis, the tyrant of Sicily." *

More's time was divided between the duties of his high office and his domestic life. There was no change in his simple habits and practice of devotion.†

* Lord Campbell's Lives of the Chancellors, vol. i, p. 542. (Ed.) Rudhœrt, Thomas Morus, Nuremburg, 1829.

† It is remarkable that Wolsey's opponents comprised not only Lutherans, or Protestants, but also Catholics, disgusted with the duplicity of his policy. And so Henry VIII. thought he must

Lord Rochford, afterwards created Earl of Wiltshire, was a member of the cabinet, and it was shortly afterwards completed by the addition of Cromwell, who had been Wolsey's secretary.

Cromwell was the son of a fuller in the suburbs of London. He had early taken service as a volunteer in the army of the Constable de Bourbon in Italy. He was present at the sack of Rome; then he became the librarian of a Venetian, and made himself acquainted with the Italian literature of the period. He soon returned to London, was called to the Bar, and took his place among the council practising in matters of State right.* He was therefore employed by Wolsey in the dissolution of the small monasteries authorised by Henry VIII., and contrived to make a considerable profit in the performance of his work. When the cardinal was sent to Esher, and fell ill, Cromwell deserted him soon enough, came to London to offer his services to Henry VIII.'s ministers, and was confirmed in his employments, till higher duties should be entrusted to him.†

satisfy both parties. Most likely More consulted the bishops who still remained good Catholics before he accepted the office of chancellor; such as Fisher, and perhaps the nuncio himself; and they all advised him not to refuse. They hoped he might be of use to the church.

* Domi reversus causidicis se immiscuit his qui jura regni profitentur. Polus, Apol. Reg., vol. i, p. 126 and seq. Always and in every country there have been lawyers who have made it their practice to defend the rights, or rather the pretensions, of the State against the Church.

† It was during this Parliament (1529) Cromwell is said to have

It was with the assistance and by the advice of this lawyer that Henry summoned a Parliament towards the end of 1529, and in it began his warfare against the privileges of the Church and the authority of the pope. A bill was passed by his direction enacting that every clergyman, who had obtained in the Court of Rome, or elsewhere, a licence of non-residence on his cure, or a dispensation to hold more benefices than the statute allowed, became liable, in the first case, to a penalty of twenty pounds, and in the second to a penalty of seventy pounds, and the forfeiture of the profits arising from such benefices.*

We need not say these bills passed without difficulty. An extraordinary thing it would have been for a Parliament or convocation of the clergy to give the smallest sign of independence.

greatly distinguished himself in defence of his master. "There could nothing be spoken," says Cavendish, "against my lord in the Parliament House, but he would answer it incontinent, or else take unto the next day, against which time he would resort to my lord to know what answer he should make in his behalf; in so much that there was no matter alleged against my lord, but that he was ever ready furnished with a sufficient answer; so that at length, for his honest behaviour in his master's cause, he grew into such estimation in every man's opinion that he was esteemed to be the most faithful servant to his master of all others, wherein he was of all men greatly commended." Cavendish, p. 247. "His occupation as a scrivener, half lawyer, half money-lender. . . . A thriving usurer, wool-stapler, and merchant.' Letters and Papers, Brewer. Introduction, vol. iv, p. dxli.

* The lower house of convocation complained that they had not been previously consulted on these statutes. *Nec consenserunt per se, nec per procuratores suos neque super iisdem consulti fuerunt.* Collier, Memoir, xxviii.

It would have been difficult to find a single parliamentary protest at that time against any act of the crown, however unjust and tyrannical it might be.*

The House of Commons had also tendencies favouring the ideas of reform already propagated over a large portion of Germany; and thus was well disposed to give a good reception to any measure hostile to the Romish Church.

Meanwhile a complete reconciliation had taken place between Charles V. and Clement VII. Charles, in an interval of peace left him by his enemies, wished to have himself crowned emperor by the hands of the pope. On November 5th, 1529, Charles V. met the pope in the open square at Bologna before all the people he kissed his feet, and then his hand and ring, and His Holiness, having raised him, presented his cheek and kissed him: this was the grant of an amnesty for the sack of Rome.†

The coronation took place afterwards with great ceremony in the church of Saint Petronilla. The

* Brewer, vol. iv, p. dcxlvii. This same Parliament released the king from a loan made to him by his subjects six years before, on the pretext that the prosperity of the nation under the king's paternal government ought to induce his subjects to show him their gratitude by releasing him from his debt. The clergy made a similar concession. Lingard, vol. vi, p. 167.

† The French ambassadors say that Clement was very unwilling to perform this ceremony. The Cardinal de Grammont thus speaks of the pope: "Aucunes fois qu'il pensoit qu'on ne le regardast, il faisoit de si grands soupirs, que pour pesante que fût sa chape, il la faisoit branler à bon escient." Letter, Feb. 25th, 1530. Legrand, Authorities, vol. iii, p. 386.

pope placed Charlemagne's iron crown upon the head of the new emperor, and Charles made oath to defend the pope and the Romish Church, the patrimony, privileges, and rights of the Holy See.

As Charles was to spend several months at Rome with the pope, Henry VIII. had the strange fancy of sending an extraordinary embassy to both of them to endeavour to extract from them an assent to his plan of divorce. He thought that the Duke of Albany, his regular ambassador, had not known how to pursue the matter as he ought to have done, and that his want of address might be repaired by more able agents.

Henry was not afraid to place at the head of the embassy the Earl of Wiltshire, the very father of Anne Boleyn, on the pretext that no one ought to be more interested in the success of the mission. Three colleagues were sent with him—Stokesley, Bishop-elect of London, Doctor Rowland Lee, the king's chaplain, and Benett, a lawyer. As chaplain to the embassy Thomas Cranmer was appointed, a priest attached to the Boleyn family, and Lady Anne in particular. This churchman, who became Archbishop of Canterbury, and took a leading part in the divorce case, had an unsatisfactory history.

At Cambridge, where he had been a fellow, he had given his opinion against the monks, and in favour of the divorce. At this time, not having taken orders, he married an innkeeper's daughter, and left

the university; but, having lost his wife, he was entreated to return to it. Afterwards, being a priest, he secretly made a second marriage in Germany, during his mission to the universities of that country; he had then married the grand-daughter of the pastor Osiander, but he left her at home, and did not bring her to England.* Cranmer then brought back Lutheran notions from the Continent more advanced than Henry's, making him a convenient instrument for a rupture, if the king chose to have recourse to one.

This doctor of doubtful character was sent to present the pope with a letter he had himself written concerning the unlawfulness of the marriage of Henry and Catharine of Aragon.

The ambassadors were authorised to employ all possible means of persuasion with the pope and the emperor. But, though bribery might have been successful with some doctors of the universities, it must fail before these two grand thrones ruling Christendom, one in spiritualities, the other in temporalities.†

According to Joachim de Vaux, the ambassadors

* There are some doubts as to the time of this marriage, but the fact of it is attested by Godwin. Annales, pp. 49, 138. Osiander was pastor at Nüremberg, and one of Luther's most zealous disciples.

† It seems that, a few days before, the pope had decided on signing a brief forbidding Henry from contracting a second marriage, and enjoining him to treat Catharine as his lawful wife, and that, after he had seen the ambassadors, he consented to suspend the publication of the brief.

were to live in great luxury, and display great splendour, as if to make His Holiness see that, if he had need of money, the King of England had some at his service. Clement VII. did not, or would not, understand the meaning of this unspoken hint; but he gave the Earl of Wiltshire and his colleagues a favourable reception, saying he would do all he could for Henry VIII.*

The English ambassadors were not so well received by Charles V. When he saw that the Earl of Wiltshire, Lady Anne's father, was intending to speak, he could not repress a movement of impatience. "Stop, sir," said the emperor; "allow your colleagues to speak—you are a party in the cause." The earl must have had a good stock of audacity ready to meet the difficulties of his mission, a post he had not been afraid to accept, and even to solicit, and so he replied with firmness that he did not stand there as a father defending the interests of his child, but as a minister representing the person of his sovereign; that, if Charles would acquiesce in the royal wish, Henry would rejoice; if he did not, the imperial disapprobation should never prevent the King of England from demanding and obtaining justice. Then he ventured to offer Charles V., as the price of his consent to Henry's wishes, the sum

* "El comte aveva commission di fare una grossa spesa, come sarebbe sovenir à SS. in questi suoi bisogni d'una buona somma di denari." Letter of Joachim de Vaux to Francis, dated London, March, 1530. He always wrote in Italian.

of three hundred thousand crowns, the return of Catharine's marriage portion, amounting to four hundred thousand crowns, and security for a maintenance suitable to her birth, for life.

The emperor replied with dignity that he was not a merchant to sell the honour of his aunt; the cause was now before the proper tribunal. If the sovereign pontiff's decision should be against Catharine, he would be silent; if in her favour, he would support her cause with all the means which God had placed at his disposal.*

The English ambassadors stayed some time longer at Rome to collect the deliberations and decisions, more or less authentic, and more or less prompted, of the various universities that had given their opinions in favour of the divorce; but Clement VII. had soon learnt by what artifices these pretended suffrages of learning had been obtained, and also that the majority of these universities had depended on certain suppositions that Catharine herself always energetically denied, and Isabella while alive had disbelieved,† so such authorities were but of small account.

Then Henry's diplomatic agents informed him that, on the application of the imperial ambassadors, the pope, though doing all he could to protract the

* See Lingard, vol. vi, p. 170, from Bishop of Tarbes, March 27th and 28th. Legrand, vol. iii, pp. 401, 454. (Ed.)

† See pt. i, chap. iii.

business as much as possible, would be forced to sign and publish a brief forbidding archbishops and bishops, courts and tribunals, from giving any kind of judgment in the matter of the marriage of Henry and Catharine, and reserving to the sovereign pontiff alone the right to pronounce or refuse the divorce.

It is the Earl of Wiltshire himself, in whom the king had so much reason to confide, who informs him that all legal expedients seem exhausted, and that a current favourable to the emperor and Catharine seemed to be setting in at the Court of Rome.

Henry became melancholy at this news. He lamented the futility of the vast efforts he had so far made. His resolution began to shake; he let some of his confidants hear that he had been deceived, that he would never have thought of a divorce from Catharine unless he had believed he could obtain it from a regular ecclesiastical Court, or from the pope himself; and since the assurances that had been made to him were unfounded, as he was forced to allow, he said he would give up the prosecution of the suit, leave Anne Boleyn, and restore to Catharine all her rights as lawful wife.*

These expressions of discouragement and repentance came like menaces to the ears of the Boleyns, and of Anne herself. The whole party were thrown

* Pole mentions this on the authority of one of those to whom such confidences had been made. *Mihi referebat qui audivit.* Apologia ad Carolum Quintum Cæsarem, p. 127.

into a state of anxiety, and terror-struck. Their ruin was already prophesied, when an unexpected chance came to their rescue, and produced a complete change in Henry's fickle mind.

Cromwell's antecedents have been mentioned. As for his morality, the measure of it has been given in the account of his interview with Reginald Pole. He had sold himself to Norfolk and Wiltshire; their disgrace would have entailed his own. Setting one danger against another, he preferred to try a grand stroke; for an ambitious man like him, it was playing double or quits.

The sovereigns most accustomed to find everything bend to their will and pleasure would often pause upon the road to evil, were they not urged on by some person more cynical and wicked than themselves. Ahasuerus had his Haman, Tiberius his Sejanus, Nero his Narcissus; Henry VIII.'s evil genius was Cromwell.

The son of the fuller of the suburbs of London, the comrade of coarse lansquenets in pillage and revelry authors of the sack of Rome, did not shrink from asking Henry VIII. to give him a private audience. He ventured to interfere with the inward conflicts of that soul, hesitating, disturbed, discouraged under the inspiration of perversity concealed beneath a mask of devotion.

When Cromwell found himself in the presence of the King of England, he at first appeared to be agi-

tated, almost alarmed. He seemed to have some difficulty in approaching his subject, giving his advice to so powerful a king, and so learned, about such a delicate matter as the divorce; yet, seeing the anxieties and uneasiness of his beloved sovereign, he had thought he could not keep silence. No doubt it was great presumption on his part, but he thought that, if the regular advisers of the crown kept silence in this instance, it was from a wrongful fear of displeasing their master. As for him, he had come to the resolution of venturing everything in the endeavour to be of use to his king and country. He said the opinion of Christendom had conclusively pronounced in favour of the divorce by the mouth of many universities, and the principal divines and lawyers in Europe. It was true the pope's approval was wanting, being kept in check by the emperor's threats. But, if the king could not obtain the favourable judgment he had a right to expect from the Court of Rome, was he therefore for that to give up the attempt, and renounce his demand for justice? Should he not rather follow the example of those German princes who had withdrawn from the yoke of the papacy? And why could not he declare himself head of the Church within his realm, relying on the authority of his parliament? England had really two sovereigns; it was a double-headed monster. But, if Henry VIII. did not hesitate to grasp the authority usurped by the pope, he might put an end

to this great anomaly; all the difficulties of the situation would vanish at the same time, and the churchmen, strongly attached to their benefices and their fortune, would submit themselves to their king, and become the most humble servants of his will. He said also that the oath to the pope, taken by a bishop on his consecration, seemed to him to be contrary to the oath of allegiance to the king, and that this contradiction ought to be put a stop to.*

Henry, who had at first listened to Cromwell with great surprise, gradually allowed himself to yield to the seductions of his words; that which at first he had looked upon as impossible, at last came to seem to him to be acceptable and easy. So he yielded to the suggestions of the clever tempter, and hardened himself for ever against all remorse. The scheme laid before him offered the means of reaching with certainty the object that he had so long pursued, and that seemed always to fly before him. He also perceived, in the execution of this project, a chance to make himself master of a considerable part of the wealth of the clergy. Therefore he thanked Cromwell much for his bold and judicious advice, and ordered him to take the oaths as a member of the privy council. Some time after-

* The French is stated to be a translation from the speech as reported in Latin by Pole. "Hoc possum affirmare nihil in illa oratione positum alicujus momenti, quod non ab eodem nuncio (Cromwell) eo narrante intellexi, vel ab eis qui ejus concilii fuerunt participes." Pole, p. 123.

wards, he made him chancellor of the exchequer.*

But how was the submission of the clergy to be obtained, that the new member of council had, in some sort, guaranteed to the King of England? Cromwell had conceived a plan of singular cleverness for this purpose, and its success seemed to him to be certain. When it has been exposed, it will be seen that Machiavelli's pupil, even in the commencement of his career as a statesman, was the equal, or even superior of his master.

We have already mentioned the old statutes of *præmunire*, condemning to confiscation of property and imprisonment any person seeking "provision"† or survivorship at the Court of Rome, or carrying suits within the jurisdiction of secular judges before ecclesiastical tribunals.

Cardinal Wolsey, to avoid irritating the king, had pleaded guilty to contravention of these statutes; and yet he might have protested that they had fallen into disuse, and also that he had letters patent of Henry VIII. formally dispensing with their observa-

* He was afterwards named Vicar-general of the English Church; the vicar, or vice-gerent, was worthy of his chief.

† "Provisions" were grants of temporalities to provide for the maintenance of persons appointed to ecclesiastical dignities, granted at first by the king, afterwards attempted to be usurped by the pope. 27, Edward III., Lingard, vol. iv, pp. 153, 154. 111, Richard II., Lingard, vol. iv, p. 225. The same penalties were imposed on the offence of administering the benefice of an alien, or conveying money out of the kingdom in virtue of such administration. (Ed.)

tion. But the unfortunate cardinal's plea of guilty, which had been only intended to appease his master, and obtain his forgiveness, furnished Cromwell with a weapon against all the English clergy, as having recognized Wolsey's authority, either as legate of the pope, or as ecclesiastical judge. He found evidence in it that the clergy had been accomplices of the illustrious criminal, convicted on his own confession.

The king appreciated the reasoning, and adopted the plan of his minister. And he thereupon ordered his attorney-general to cite the whole of the English clergy to appear before the court of king's bench, and at the same time desired Cromwell to summon what he called the convocation. This body, as is well known, is a general assembly of the clergy, divided, like the parliament, into two chambers: the higher, where the prelates sat, and the lower, composed of simple holders of benefices.

In the face of this imposing assembly Cromwell had the audacity to assert that the first duty of a loyal subject was to honour the king, and serve him faithfully, as the image of God on earth, and that all the English clergy had transgressed this duty in submitting to the authority of the legate, contrary to the statutes of *præmunire*, in virtue of which the king would have the right to obtain a conviction against them, and forfeiture of all their property for the benefit of the crown.

Several prelates desired to speak, but Cromwell refused to hear them, and broke up the sitting. The effect of intimidation had been established, and the astute statesman took advantage of it. Three days afterwards convocation met again; and two great questions were submitted for resolution. The first was to determine whether marriage between brother and sister-in-law was forbidden by divine right; the second was whether the marriage of Prince Arthur and Princess Catharine was complete. Convocation, by a large majority, decided both these questions in the affirmative.

Having made these concessions in order to recover the king's favour, the prelates asked for remission of the penalties they had incurred under the acts of *præmunire*. The answer was that they could only obtain this on payment of a fine. They offered a ransom of a hundred thousand pounds; but Henry VIII. caused them to be informed that he would not accept that sum, and would not forgive them unless they added a clause to the donation, recognising him as supreme head of the Church of England.

This was going very fast, and seemed foreign to the English temperament, as it only acts step by step, especially when relinquishing old traditions. Nevertheless, so great was the effect produced upon the clergy by fear, that Henry VIII., at Cromwell's instigation, thought he could venture any lengths, and hoped to carry everything at one blow.

There was great dismay in the assembly when Cromwell announced this new demand of the king; but no one broke silence until Doctor Tunstall, lately appointed Bishop of Durham, thought it his duty to point out to his seniors the full danger, and he laid the question before them with courage and plainness, inconvenient, it may be, to more than one servile conscience. "If the clause meant nothing more than that the king was head in temporals, why, he asked, did it not say so? If it meant that he was the head in spirituals, it was contrary to the doctrine of the Catholic Church, and he called on all present to witness his dissent from it, and to order the entry of his protest among the acts of the convocation."*

Such a bold action was beyond the power of the majority of the meeting; they looked for expedients and contrivances, when they ought to have given a strong direct refusal. Warham, the Archbishop of Canterbury, moved an amendment, declaring that they recognised the King of England's supremacy, *quantum per legem Christi liceat.* When the royal commissioners came to Henry to submit this amendment, he was at first much enraged, and exclaimed, "Marry, I thought I had the laugh at the bishops, but they laugh at me! Go back to them, and tell

* Lingard, vol. vi, p. 179, from Wilkins' Concilia, vol. iii, p. 745. This was in the convocation of the province of York. (Ed.)

them I will have no quantum nor tantum in the business, but let it be done."*

The king was brought to understand that, as long as Rome had not given its doctrinal judgment against the divorce, there was one chance left that should not be thrown away—that it might be useful to show that a rupture was possible, but that it would be unseasonable and impolitic to precipitate it. He therefore thought it well to content himself with this formula, "of which church and clergy we acknowledge his majesty to be the chief protector, the only and supreme lord, and, as far as the law of Christ will allow, the supreme head." Thus in these last words there was a feeble bond that still connected the English monarchy with Roman unity. Henry VIII. afterwards could break it without difficulty, if his divorce was finally rejected by the pope.

The absence of the names of Fisher and Pole as supporters of Tunstall's motion would have been rather surprising, if it were not known that they had both protested by their absence.† In 1529, when the king and Wolsey had proposed the suppression of the lesser monasteries as a salutary reform, Fisher

* The life and death of the renowned John Fisher, Bishop of Rochester, by Thomas Bayley, London, 1740, 12mo, p. 135.

† Pole says formally that he was not present. Dum hæc statuerentur, non adfui, &c., xix, lxxxii. [Fisher, as Bishop of Rochester, was a member of the convocation of the province of Canterbury.] (Ed.)

had been the first to sound the note of alarm; he had ventured to say, "It is not so much the good as the goods of the church which men are now looking after,"* and that they were on the way to break the bonds that united the Church of England to the Apostolic See.

After the assemblies of the clergy had consented to the king's supremacy, it might have been expected to be passed by the House of Lords and the Commons without debate, but there were some difficulties raised in the latter; however, they at last voted almost unanimously for the bill of supremacy as amended and passed by the convocation of the clergy.

* Tytler, p. 303.

CHAPTER XIX.

Another Vain Attempt to influence Catharine—Her Degradation and Dismissal from Court—Delay demanded of the Pope by the English Ambassadors—Continual Increase of the state of Hostility to Rome—Cautionary Brief addressed by Clement VII. to Henry—Suppression of *Annates* by Parliament—Proposal by Nicholas Temse in Catharine's favour—Dismissal of Sir Thomas More—Another English Embassy to Rome—Henry does not choose to be represented before the Court of Consistory by an Accredited Proctor; he sends an *Excuser*—Sharp Dispute between the Imperial Ambassadors and the English Agents—Clement VII. grants them more Delay, and desires the Interference of Francis I. in the Business—That King's Excellent Attitude.

THE clergy and Parliament, representatives of the living power of all England, had pronounced against the validity of Henry VIII.'s marriage; Catharine seemed deserted by all. Anne Boleyn, impatient to hasten the hour of her triumph, persuaded Henry to take advantage of the discouragement that the queen must feel to induce her to give up all resistance. So an attempt at coercion was again made upon this noble and unhappy princess.

Immediately after the prorogation of Parliament,

Henry VIII. sent several nobles of his Court to Catharine, who proposed to her to refer the question of the validity of her marriage to the arbitration of four spiritual and four temporal members of the House of Lords. The commissioners again dwelt upon the disturbed conscience of Henry VIII. requiring to be relieved as soon as possible. But this time the snare was clumsy; if she had consented to this arbitration, it would have been signing her own sentence. She therefore made a firm and dignified reply to the entreaties of the royal commissioners.

"God grant my husband a quiet conscience; but I mean to abide by no other decision excepting that of Rome."

Henry then declared there was no reason for any further consideration towards her. He sent orders to Catharine immediately to leave Windsor Castle, her residence; she undauntedly replied that wherever she went she would still be his wife. After receiving Henry's imperative letter, dated July 13th, 1531, she left Windsor on the 14th, and afterwards went to take up her residence at Ampthill, and wrote from there to Pope Clement VII., to inform him that she had been sent away from the king's Court.*

* Letters and Papers, Gairdner. Introduction, vol. v, p. xi, published in 1880, after the work of M. Du Boys. "We are now in possession of a more circumstantial account than has hitherto been accessible of Henry's separation from the queen. Long as he had already been a stranger to her bed, it was not till July, 1531, that he parted company with Catharine altogether. The chronicler Hall in-

In the month of January, and the following month of May, 1532, the pope addressed monitory briefs to Henry VIII., admirable in their paternal tone and

forms us that, after Whitsuntide in this year, the king and queen removed to Windsor, where they remained together till the 14th of July, when the king left her, and remained for some little time longer at Windsor, but was afterwards removed to Moore, and again to Easthamsted, and from that time she and the king never met again. This account is entirely confirmed by the despatches of Chapuys, who further tells us that the queen complained of not being allowed to speak with her husband at his departure, as it would have been a consolation at least to have bid him adieu; and that Henry sent her a bitter answer, after taking counsel with the Duke of Norfolk and Gardiner, that he was very much offended at her for causing him to be cited personally to Rome, and for refusing a reasonable offer he had made to her by his council to allow the cause to be decided by some other tribunal." See Chapuys to Charles V., 17th July, p. 160, and also, "The lady only allows three or four months for the nuptials. She is preparing her state royal by degrees, and has just taken an almoner and other officers. She goes along with the king to the chase; and the queen, who used to follow, has been commanded by the king to stay at Windsor, &c.," 31st July, p. 167. "According to the custom that was between them of visiting each other every three days, the queen sent to the king six days ago to inquire of his health, &c.—the letter had no address, probably because they mean to change her name, and have not determined what title to give her. The princess is now with her. They amuse themselves by hunting, and visiting the royal houses round Windsor," 19th August, p. 188. "The king, under pretence of hunting about Windsor, has ordered the queen to dislodge, and retire to More, a house belonging to St. Alban's, and the princess to Richmond," 10th September, p. 204. "The queen is exceeding sorry that the king has refused her certain houses to which she wished to retire, and has commanded her to go to one of the worst in England." Catharine to Charles V., 15th December, dated "At Mur," Moor Park, in Hertfordshire, p. 270, May 22nd, 1532, Chapuys, p. 475. "Since the presentation (of the brief) he has ordered the queen to remove, after these holidays, to a house much further off than where she is now, and with bad accommodation," 26th August, p. 456. "The queen is in a house of the Bishop of Ely, seventeen miles from London," October 1st. "Eight days ago the king met the princess in the fields, but did not say much

their truly apostolic feeling. They are quoted almost at full length.*

"Report is prevalent that you have some time ago banished the noble Queen Catharine, your spouse, with whom you have so far lived in holy union. For your honour we hope that this report is false. We are informed that the queen is supplanted by an unworthy rival, named Anne Boleyn. We are infinitely grieved at anything so contrary to your duty, such a scandal to the Church, and so opposed to the peace of your royal house. We have no doubt that, when you have recovered from this impulse, you will yourself condemn a passion so little worthy of your glory, and so fatal to your repose. A prince so just and religious, as you have always been, cannot remain long in a state so inconsistent with his piety. You have defended the honour of the Church with your pen and with your arms. Will you stain it by your actions, despise its authority, and insult its ordinances? You have been the umpire of Christendom, and mediator of the princes of Europe, will you sow dissension in your own family? I address you as father before proceeding to judgment. This is a duty owed to your services and my gratitude. Do

to her, except to ask how she was, and assure her that in future he would see her more often. It is certain that the king does not bring her where the lady is, for she does not wish to see her or hear of her." November 5th and 11th, Catharine to Charles V., pp. 641, 647, dated from Arforde Castel (Hertford). (Ed.)

* We have compounded the two briefs addressed to Henry. As this is M. Boys' composition, we translate it as it is. (Ed.)

not cause such a sorrow to the Catholics, or matter of triumph to the heretics. All the actions of princes have results. Being a station raised above others, they attract the eyes of all, and everyone wishes to copy them. A Christian prince ought to have a care of public order; his glory is concerned in advancing it. You also should do justice to the deserts of the queen, daughter of a great king, aunt of an emperor, mother of a princess, the precious offspring of your mutual affection and inviolable pledge. After being married twenty years, ought she to expect a divorce as the reward of her cares and her virtues? Recall the queen, dismiss her rival; do not tarnish the glory of a whole reign by one action. Do not insult the emperor so openly; do not throw Christendom open to the inroads of the Turks. Charles and Ferdinand cannot protect it, if they are obliged to make war on you. Consider what a source of evil you will be by continuing in your present course. Consider the troubles you will bring upon the Church if you proceed to a fresh marriage, *without even awaiting its decision.* If my exhortation is unavailing, recourse to severe remedies proportioned to the greatness of the evil will become a necessity."

Notwithstanding the pope's exhortations, matters continued to be driven on to the last extremity. After Catharine had been turned out of her palace and banished from Court, she was further despoiled of all the honours due to her rank as queen. Her

daughter was harshly torn from her, and no longer treated like a legitimate child. The various bodies of the state had not attended to the pope's warning against venturing on the question of divorce before judgment had been given at Rome. Henry VIII. had entered upon his contest against the clergy and against the pope's prerogatives with remarkable audacity; he evidently was preparing to untie or break the last link that bound him to the centre of Catholic unity. The pope had readily conceded a delay of some months before proceeding to a final judgment at the request of the English ambassadors, but the promise made to him to, meanwhile, keep everything as it was, in legal phraseology, had been openly broken.

About this time, the month of April, 1532, the parliament had spoken out concerning *Annates* more hastily and violently than the king had wished.* The House of Commons also proposed to abolish the oath which the bishops took to the pope. The king did not reject these two measures, but he would not give his assent to them. Probably he was playing a double game. He had caused them to be proposed by members under his influence, so that they might not seem to originate with himself, while

* The *annates* were the revenue the pope received from bishoprics left vacant. [The *annates*, or first-fruits, were the first year's income required by the pope from any bishop on his appointment. Lingard, vol. iv, p. 147.] (Ed.)

the delay in the assent was a conditional threat hung over the head of the pope. But, as a counterpoise to these concessions in religious matters, a member, named Nicholas Temse, made a remarkable motion, clearly showing that Catharine's personal popularity had survived the ruin of even the pontifical authority; he moved that the king should be entreated by the House of Commons to be willing to take back his lawful wife, and not to marry another, for violent contests might ensue between the children of the two marriages, resulting in dreadful civil wars for England. Temse was very favourably listened to by most of his colleagues. Henry VIII.'s wrath may be imagined when he heard of such an attempt at opposition, altogether unusual and unforeseen, from a member of the lower chamber. He immediately caused a message to be sent to the House by the speaker, Thomas Audley, "That he wondered any amongst them should meddle in business which could not be properly determined in their House, and with which they had no concern; that he was only actuated by a regard for the good of his soul; that he wished the marriage with Catharine were unobjectional, but, unfortunately, the doctors of the universities having declared it contrary to the Word of God, he could do no less than abstain from her company; that wantonness of appetite was not to be imputed to him, for, being now in his forty-first year, it might justly be presumed

that such notions were not so strong in him as formerly." *

On the 14th of May, 1532, the parliament was prorogued. Two days afterwards Sir Thomas More, seeing with anxiety the increase of dissension between the Courts of England and Rome, sent in his resignation of the office of Lord Chancellor. Thomas Audley, Speaker of the House of Commons, succeeded to the dignity. He was a learned and clever lawyer, but quite unprincipled, and called the great seller of justice.†

Still there was excitement at Rome and in England on account of the pope's last brief; for when a month had expired, if the king did not take back his lawful wife, he would incur the threatened censure and excommunication. A letter of Nicholas Raince to the King of France informs us that he had prevailed on Clement VII. to suspend the effect of his censures for a certain time.‡

Henry VIII. had again sent three ambassadors to the pope—Bonner, Benett, and Edward Carne. He had allowed the latter to take the title of *excusator*, to attend the suit in the Pontifical Court. The report of the Court of the Rota had been concluded, and presented to the consistory. The ambassadors

* Histoire du Divorce, Legrand, vol. i, p. 223. [Lord Campbell's Lives of the Chancellors, vol. i, p. 603.] (Ed.)

† Letter of M. de Marillac, quoted by J. Legrand, vol. i, p. 223.

‡ Histoire du Divorce, Legrand, vol. iii, p. 569.

had asked Clement not to summon their master to Rome, but to appoint fresh commissioners to judge the suit in England. This was formally refused. Afterwards, they complained of having no advocate authorised to plead for the king, and were told that any advocate of the Rota was quite free to take up his cause. Memorials were written and printed. At first it had been resolved that the matter, after the first day, should be publicly argued in open Court before the full consistory. But during the night, from the 15th to the 16th of February, the pope changed his mind, and preferred to give a first hearing to the ambassadors and advocates in private and separately.

The Spanish ambassadors were first introduced into the chamber where Clement VII. sat. They pointed out to him that the King of England had not commissioned any of his diplomatic agents to represent him in the suit being tried at Rome, nor even to Edward Carne, who said he was his excusator, a title newly invented, and unknown in the practice of law, either canonical or civil; they said that there was nothing officially to show that Henry VIII. acknowledged the competency of the Court of Rome, and that the pretended excusator and his colleagues should be required to produce letters of credence, or powers of attorney in proper rule, before they were allowed to plead to the consistory for the prince they said was their client. The pope

listened a long time to them, and did not seem to pay much attention to these points of objection.*

As soon as they were gone, a private audience was granted to Gregorio Casale and Ghinucci, the Bishop of Worcester. They both asserted that, as the King of England was not obliged to appear in person or by attorney, the excusator ought to be sufficient whom he had sent, and his counsel should be heard. This reasoning and subtle reservation of Henry VIII. was not much more to the pope's taste. Then he left the ante-room, put on a stole, and went into the consistory, after having cleared the court of the public. There he conversed for some time with several cardinals, the master of the ceremonies, the datary, and some prelates. Then the advocates were summoned, and desired to speak. Sigismund Dandolo spoke first for the King of England, and maintained that he was not obliged to appear at Rome either in person or by attorney, and added that there was an excusator present who desired to be heard only as an Englishman, who wished to defend the interests and independence of his country. Don Pedro of Aragon, who appeared for the queen, spoke after Dandolo, and accused him of

* Journal of Clement VII., written by Blosius Baronius de Martinellis, MS., St.-Germain-des-Près. Histoire du Divorce, Legrand, vol. i, p. 227. The *imprimatur* had been granted at Rome to Henry VIII.'s memorial.

doing nothing but beating about the bush, and eluding the real question of the suit. Then Charles V.'s ambassadors themselves interposed, requesting the English to produce their powers, and declare in whose name they acted, and saying that, if they would not, there was no occasion to continue the debate. There was so much heat about it that the pope and the cardinals closed the sitting, greatly scandalized at the disrespectful and unsuitable bearing of both parties.

On the next 28th of February, there was another consistory on the same subject. Dandolo, Michael de Corandis, and Providelli argued for the King of England, and Don Pedro of Aragon for Queen Catharine. The audience was much more numerous. The arguments were very violent and debates very stormy. An author of the time says that during the six months that the business lasted the Romans went to the consistory as if to a play.* The cardinals wished an immediate decision against the King of England. But Clement VII., hoping to obtain some concessions from him, adjourned the business to the month of November, after the vacation. Meanwhile, he sent a message to Henry VIII. that he must send a power of attorney to his excusator, and that, if he would do so, the pope would not oppose a fresh inquisition being held in England.

* Letters of Mgr. d'Auxerre and others, p. 176 et seq. of the Mélanges of Camusat.

On their side, the English ambassadors did not hide from their master that popular feeling was against him, that all the Romans clamoured for a decision against him, and that it would certainly have been pronounced if final judgment had been given.

Meanwhile, Clement VII., who always recoiled from this inexorable sentence, conceived the idea of calling in the intervention of Francis I., and begging him to do all in his power to induce Henry VIII. to come to some terms that might evade the difficulty.

This was a last resource on which the unhappy pope depended. An interview was to take place soon after between the two kings. The King of France, who was himself animated with most conciliatory sentiments, promised that he would make use of this opportunity to beg Henry to stop on the brink of the chasm. Francis I., as we shall see afterwards, kept his word—at least, as far as he could. Whatever may be our judgment of the character of that king, it must be allowed that he resisted the torrent of reform, or rather religious revolt, of the sixteenth century, that he preserved France, and tried to preserve England to Catholicism.*

* He persecuted the Reformers in his own dominions when he was in alliance with the pope, but he was the supporter of the Lutherans in Germany. (Ed.)

CHAPTER XX.

Du Bellay indulges Anne Boleyn's Whims—Anne made Marchioness of Pembroke—Meeting of Henry VIII. and Francis I. at Boulogne; no Lady of the French Court chooses to be present—Secret Marriage of Henry VIII. and Anne Boleyn—Cranmer is appointed Archbishop of Canterbury, and accepted by the Pope—His Consecration and Qualified Oath—Severe Reproaches addressed to him by Pole—Bossuet's Opinion of this Prelate.

DU BELLAY remained as ambassador in England all through the years 1531 and 1532, and continued in favour with Henry VIII. In order to keep up this favour, he intimates in his correspondence that he is obliged to pay his court to Anne Boleyn; but a close examination of his letters makes it clear that this necessity was not disagreeable to him. He appears as the *honnête homme* in the meaning* that the expression retained even under Louis XIV., and, as will be seen, applies it to himself with a modest denial of his title to the appellation.

He becomes the channel of communication to the

* Accomplished man of the world; what the English call a perfect gentleman.

Marshal de Montmorency of the King of England's wish to have a private interview with Francis I.; and he insinuates that if that king could induce Henry VIII. to take Anne Boleyn with him on his journey to France he would do his royal brother great pleasure, and says that he knew it from a sure source. "The greatest pleasure that the king can do to this king and Madame Anne is to write to Du Bellay to ask the king to bring Madame Anne with him to Calais, so that they may not be there without ladies; but then the king must bring the Queen of Navarre with him to Boulogne. Will not say where he heard this, as he has sworn not to. The king does not wish the queen to come, for he hates the Spanish costume, '*tant qu'il luy semble veoir un diable.*' He would be very glad if the king would bring the princes to Boulogne, where they and the ladies would stay. Norfolk says he hopes that Montmorency and he will arrange this interview so well that it will redound to the honour of both of them. Advises him to remove from the Court two classes of men, imperialists if there are any, and those who have the reputation of being mockers and jesters, who are as much hated as any people by this nation. Will soon send the roll of those whom this king will take with him." *

And so, to gratify Anne Boleyn's whim, the suite of Francis I. was to be made up in a peculiar fashion;

* Gairdner, Calendar, vol. v, p. 521. (Ed.)

he was to bring the Queen of Navarre with him, but not Eleanor of Austria. What is to be thought of such demands, and how could the Bishop of Bayonne have consented to be the interpreter of them? This incredible condescension is somewhat explained by the rest of the letter.

"The king makes him good cheer, and treats him familiarly. Is alone with him all day hunting, and he talks about all his private affairs, and takes as much pains to show him sport as if he were a great personage. Sometimes he places Madame Anne and the bishop (Du Bellay) together with their cross-bows to shoot the deer as they pass, and in other places to see coursing. Whenever they come to any house of the king's, he shows it to Du Bellay, and tells him what he has done and what he is going to do. Lady Anne has presented Du Bellay with a hunting-frock and hat, horn and greyhound. Tells him this to show him how the affection of the King of England for Francis increases, for all that the lady does is by the king's order."

Du Bellay does not quite attribute Lady Anne Boleyn's favours and his success with her to his qualities as a *perfect gentleman*, but explains them by Henry VIII.'s policy. But he takes a pleasure in telling how he is sometimes alone with the lady to see the deer go by, and complacently describes the hunting-dress she had given him.

The English bishops who had now sold themselves

to Henry VIII. are with justice greatly blamed. What can we say of the French bishop who is so far forgetful of episcopal dignity and gravity at the king's Court?

About this time Anne Boleyn was made Marchioness of Pembroke* by the king's patent, with a pension of a thousand pounds a year, and a great deal of furniture and valuable presents.†

At last, by the month of September, 1532, the conditions of the meeting between the two kings were arranged. Francis I. consented with some reluctance that the new Marchioness of Pembroke should be one of the company; but when she arrived at Boulogne on the 21st of October, with her royal lover and a great many attendants, she found there neither the King of France's sister nor any other lady of his Court. The French ambassador's sugges-

* September 1st, 1532.

† It was also about this time that a curious circumstance must have taken place, showing once more the unpopularity of Anne Boleyn, especially with those of her own sex. One day she was in a house a short distance from London, taking part in a picnic near a stream, when six or eight thousand women collected to carry her off by main force, and would have treated her very badly if she had not escaped, and got away in time by a cross road. It must be observed that the king was not present at this party, and that there were some great ladies disguised amongst this large assembly. It seems that Anne Boleyn concealed the affair for her own sake, for there was no inquiry nor prosecution. A letter written to the French ambassador by the Venetian ambassador (probably Lodovico Falliero). Venetian Calendar, Rawdon Brown, vol. iv, p. 248.

tions had not been attended to. Though the Queen of Navarre was not regarded as very austere, she would not compromise her dignity by entering into communication with a female whose position was at least false and equivocal.* The severity of such a lesson must have been felt by the object of it.

When Henry had been four days at Boulogne, Francis returned his visit by accompanying him to Calais. There, after a magnificent supper, the door opened, and twelve ladies in masks entered, and each chose a cavalier to dance with her. Then the masks were removed, and Francis I.'s partner turned out to be Anne Boleyn; he conversed courteously with her, and next day sent her a diamond worth fifteen or sixteen thousand crowns. The king's gallantry and the valuable jewel might be a sufficient compensation for the bitter disappointment of the first meeting at Boulogne.

Henry VIII. and Francis I. had some great political interests for serious discussion; they agreed to raise an army of eighty thousand men, on pretence of making war against the Turks, but in reality as a check upon the emperor. They compared the causes of resentment they thought they had against the pope; but Henry wished to exasperate the King of

* This abstinence was remarkable, especially from the former connection of Anne Boleyn with the Princess Margaret when she was Duchess of Alençon. [Margaret's character was unblemished.] (Ed.)

France against Rome, and Francis had ideas of conciliation in the background. The former, full of personal anxiety lest he might lose his suit before the Roman Court, wanted to drive matters to extremity, and obtain the convocation of a general council; the King of France, with some difficulty, reduced his notions to more moderate bounds. It was at last agreed between the two kings that Francis I. should invite the pope to come to Marseilles, and that the King of England should go thither in person, or be represented there by one of the greatest noblemen of his country; that Francis should send Cardinals De Tournon and De Grammont to Rome to settle the preliminaries and conditions of this congress; that at the same time he should protest, on behalf of the dignity of the crowned heads, against the claim of the sovereign pontiff to cite the King of England, like a private person, before the high court of justice at Rome; and that Henry should abstain from any fresh act of hostility to the papacy until the termination of the conference at Marseilles.

Nevertheless at Rome judicial action was resumed in the divorce suit. Capisucci, the Dean of the Rota, again cited Henry VIII. to appear in person before the consistory, or to send an accredited proctor as his representative; while the King of England, through Doctor Benett, made a proposal to refer the case to four umpires, one of whom was to be the Archbishop of Canterbury, another the Bishop of London, a third to

be selected by Catharine, and the fourth by Francis I. At the same time he required that the trial should take place in England. The pope proposed to send commissioners to Cambrai; and the king rejected this expedient. Clement wrote again to Henry, offering to appoint a legate and two assessors of the Rota to hear the case in a neutral place, and reserving decision on the evidence to himself. The king again rejected this conciliatory offer.

Now not long after his return to England he took the decisive step, that is to say, he decided on marrying Anne Boleyn in private.

Instead of being surprised at this determination, there is rather reason to be surprised why he had been so long about it. Lingard explains this by his fear lest she, from whom he expected an heir to the crown, might have no children.* But when Henry had hopes of this heir he hesitated no longer, and hastened his union with Anne Boleyn. And here we borrow the account of this clandestine marriage from a contemporary, Harpsfield, the Archdeacon of Canterbury.

"The first whereof was that the king was married to (the) Lady Anne Bulleyne long ere there was any divorce made by the said Archbishop (of Canterbury). The which marriage was secretly made at Whitehall very early before day, none being present but Mr. Norris and Mr. Henage, of the privy chamber, and

* Lingard, vol. vi, p. 188.

the Lady Barkeley, with Mr. Rowland, the king's chaplain, that was afterwards made Bishop of Coventry and Lichfield. To whom the king told that now he had gotten of the pope a lycence to marry another wife, and yet, to avoid business and tumult, the thing must be done (quoth the king) very secretly; and thereupon a time and place was appointed to the said Master Rowland to solemnise the said marriage.

"At which time Mr. Rowland being come accordingly, and seeing all things ready for celebration of mass, and to solemnise the wedding, being in a great dump and staggering, came to the king and said, 'Sir, I trust you have the pope's lycence, both that you may marry, and that I may join you together in marriage.' 'What else?' quoth the king. Upon this he turned to the altar and revested himself, but yet not so satisfied, and, troubled in mind, he cometh eftsoones to the king, and saith, 'This matter toucheth us all very nighe, and therefore it is expedient that the lycence be read before us all, or else we run all —and I more deep than any other—into excommunication, in marrying your grace without any baynes asking, and in a place unhallowed, and no divorce as yet promulgated of the first matrimony.' The king, looking upon him very amiably, 'Why, Master Rowland,' quoth he, 'think you me a man of so small faith and credit—you, I say, that do well know my life passed, and even now have heard my confession? or think you me a man of so small and slender fore-

sight and consideration of my affairs that, unless all things were safe and sure, I would enterprise this matter? I have truly a lycence, but it is reposed in another sure place whereto no man resorteth but myself, which, if it were seen, should discharge us all. But if I should, now that it waxeth towards day, fetch it, and be seen so early abroad, there would rise a rumour and talk there of other than were convenient. Goe forth in God's name, and do that which appertaineth to you. I will take upon me all danger.'" *

The chaplain Rowland determined to begin the mass and perform the marriage ceremony. Harpsfield severely says, "This is, then, one error and fault. For, though the first marriage were not good, yet could not the king marry before the sentence of divorce, unless he should have (had) two wives living all at one time."

This marriage was performed in obscurity, without noise or ceremony, like a work of darkness and shame. Some months afterwards, the future Queen Elizabeth was to be born of this union.†

* Pretended Divorce, Harpsfield, pp. 234, 235. Marginal note. This Doctor Rowland's surname was Lee, and for performing the ceremony was made Bishop of Lichfield. Wood's Athenæ Oxonienses.

† The date of November 14, 1532, given for Anne Boleyn's marriage, was a fresh deceit, propagated with a view to make sure of the legitimacy of the infant soon to be born. Lingard explains this in a special note, and shows that the real date was the 25th of January of the following year, vol. vi, p. 190.

Parliament met on the 4th of February, and continued the war against the Romish Church. It renewed the statutes of *præmunire* passed in the reigns of Edward I., Edward III., Richard II., and Henry IV. England, according to one of the bills passed on this occasion, was a united state that should be sufficient in itself (a perfect state), and not recognise any foreign power, neither in spiritualities nor in temporalities. And, therefore, it enacted that all matters ecclesiastical or mixed—marriages being among them—should be judged by the Dean of the Arches, or by the English bishops, without any reservation or appeal to the Court of Rome. When matters of this kind presented especial difficulty, the king might cause the upper house of convocation to decide upon them.

Whilst parliament was still sitting, the King of England sent the Earl of Wiltshire to France to inform Francis I. of his marriage, and announce to him that he had nothing now to do with the pope. The King of France was displeased at this information. He represented to the earl that he had sent the Cardinals de Grammont and Tournon to negotiate with Clement VII. for a meeting at Marseilles, as had been agreed, and that he could not break off these negotiations without loss of honour. At last Francis prevailed on Henry to continue the appointment of the Duke of Norfolk, who had been selected to attend the conference with the pope. The Earl of Wiltshire

was much annoyed at this selection, as he was a great political opponent of the duke, though his brother-in-law.*

Meanwhile Henry VIII. pursued his designs in England as if nothing fresh had occurred in France. Warham, the Archbishop of Canterbury, though he might reproach himself with some weakness in giving way to the king concerning the divorce, was not desirous of a breach with Rome, and held firmly to his attachment to the Apostolic See. Cromwell was furious when he found this aged prelate make an unexpected resistance, and proposed that he should be prosecuted for rebellion and high treason; and when he was told that it was not so easy to prosecute one of the Lord's anointed, a primate of England, the insolent minister replied he would observe his dignity and give him a gibbet twice as high as the highwaymen's. But Warham died in the month of August, 1532, and there was no need to resort to an act of judicial iniquity, in order to raise an archbishop, obedient to all the whims of Henry VIII., to the throne of Canterbury. This archbishop was Cranmer, who is considered the chief author of the Reformation in England.

There are some statements as to his hesitation to accept, either on account of his recent marriage, or the fears he entertained, in spite of all his good-will,

* This complete opposition between members of one family is characteristic of the times.

that he might not always be able to satisfy the imperious whims of the King of England.* But at last, after six months, he yielded to the king's wishes—not a very long delay, according to the practice of the Roman cancellaria, for the confirmation of the appointment. It would no doubt have been rejected by the pope if he had received sufficient information concerning this disguised Lutheran.

Meanwhile Francis I. continued his attempts at reconciliation between the pope and the King of England in good faith; though the latter only agreed to them for form's sake, and with an indifference more or less pointed.

Francis I.'s influence with Clement VII. had much increased since he had asked and obtained the hand of the pope's niece, Catharine de' Medici, for his son. But what could this influence do, if Henry VIII. disdained to make use of it?

Francis had been desirous of marrying his daughter to the young King of Scotland, to cement an alliance between that prince, France, and the Court of Rome, so as to be able to resist the emperor. This proposed alliance was very ill-received by Henry VIII.

He was more inconvenienced than thankful for the attempts the King of France continued to make in his favour. Sure of having the lately-appointed

* See the Life of Cranmer, by Todd, vol. i, p. 51.

Primate of England in his favour, he was not much troubled about what might take place at Rome or in France.

After having asked, and received bulls from the pope, with special authorisation from Henry VIII., it seemed that Cranmer had merely to be consecrated Archbishop of Canterbury. But two or three days before the ceremony, with the royal approbation, he had to swear that he renounced all the clauses, sentences, and injunctions contained in the pope's bulls, wherever they were in any respect prejudicial to the dignity or rights of the king, and claims of his heirs and successors. He acknowledged that he owed his appointment as archbishop, and all appendages to the title, to the king alone. And lastly, promised obedience and fidelity to his grace, upon the Gospel, by the help of God.*

The ceremony of consecration had been fixed for the 30th of March, 1533, and was to take place in Westminster Abbey. In order to explain and qualify beforehand the oath he was about to take to the sovereign pontiff, before his unction, he summoned a notary and four witnesses into the sacristy of Saint Stephen's Chapel. He then made a protest that the oath he was just going to take to the sovereign pontiff, whatever the terms might be, should not bind him to do anything contrary to the laws of

* Strype, Appendix, No. vii, p. 10.

England and the king's prerogative, nor be prohibitory of any religious reforms that might be thought desirable for England.*

Then he went into the church, put on his robes, went to the high altar, where the Bishops of Exeter, Lincoln, and Saint Asaph were standing, and, holding the Pontifical in his hand, he turned towards his witnesses, aside, saying that he only took the oath under the qualifications and protests he had just made. Then he read the form of the oath, and swore upon the Gospel he would keep it faithfully.†

The consecrating bishops were ignorant of the protests he had made out of their presence. Certainly the sovereign pontiff had only issued his bulls to Cranmer on condition of the full and complete oath of fidelity that was his due; any alteration or

* "Non est meæ voluntatis, nec intentionis per hujusmodi juramentum qualitercumque verba in his posita sonare videbuntur, me obligare ad faciendum aut obligandum quod est aut esse videbitur contra legem Dei, aut contra Angliæ leges et prærogativas Regis;— et non intendo quovis modo me obligare quominus libere loqui consulere et consentire valeam in omnibus et singulis reformationem religionis christianæ quoquo modo concernentibus, etc." Strype, Cranmer, Appendix, No. v, p. 9. Ecclesiastical Memorials, London, 1721, 3 vols., folio.

† "Behold him," says Bossuet, "a specimen of a Lutheran, married, and concealing his marriage, archbishop of the Romish priesthood, subject to the pope, whose power he abhorred in his heart; saying mass he did not believe, and giving authority to say it, and, nevertheless, according to M. Burnett, one of the most perfect bishops that ever was in the church." Histoire des Variations, liv. vii.

diminution of the scope of this oath was destructive of the force of the bulls that gave him the power of archbishop in England. It was trifling with holy things, and purchasing the highest dignities of the church by solemn perjury.

Reginald Pole addressed a letter to Cranmer himself, exclaiming, "That he had only been selected for the dignity for the sake of gratifying a shameful passion, and cloaking it with some show of law and justice; for it is plain that was the only reason he had been made archbishop. That he was known to few before, and least of all to the giver of the dignity. Far from any of them thinking he was fit to be the head of the English clergy, he did not think so himself, and he would not have been appointed if he had not found that way of intruding himself into the Saviour's fold."

After that can there be any doubt that he entered in by the window, and not by the door, or rather crept into the sanctuary by hidden ways, like a thief and a robber?*

The first pastoral visitation that Cranmer made in his province was intended to establish firmly the ecclesiastical primacy of the King of England, and on this Bossuet observes, in his vigorous and bold language, "Then the complaisant archbishop had nothing so much at heart; and the first act of jurisdiction done by the bishop of the premier See

* Histoire du Divorce, J. Legrand, vol. i, p. 252.

of England was to put the church under the yoke, and to subject the power she had received from on high to earthly kings." *

* Histoire des Variations, vol. vii, p. 329 ; small 12mo edition.

CHAPTER XXI.

Portrait of Clement VII., by a Venetian Ambassador—Play acted between Henry VIII. and Cranmer—Meeting of Bishops and Divines, and majority in Favour of the Divorce—An Ecclesiastical Court, with Cranmer as President, pronounces a Sentence of Divorce between Henry VIII. and Catharine of Aragon—The same Cranmer confirms and legitimises the Marriage contracted by the King with Anne Boleyn—Catharine's Correspondence with her Daughter—Communication of the Sentence of Divorce to Henry VIII. and Catharine—Catharine will not renounce her title of Queen—His Protests and Erasures—Her Moral Victory over Henry VIII.—Fisher and More under Espial in their Retirement.

THERE is a portrait of Clement VII., drawn by a Venetian ambassador to Rome, about the time we have reached. "Prudent and wise, but long in coming to a decision, and giving rise to various conjectures, he talks well, he sees everything, but he can begin nothing. In statecraft no one is his superior; he hears what all have to say, and then only does what he thinks himself; he is just and devoted to God. He has not the spirit of magnificence peculiar to Leo X., though he is very charitable; most self-restrained, economical in his mode

of living, he will not have any jesters or musicians, and is no sportsman. Since he has been pope, he has only twice gone to Magnana, Leo X.'s villa." *

Clement VII.'s continual irresolution is quite enough to explain how he could again defer his judgment in the divorce suit, after information of Anne Boleyn's marriage had reached him, and even after still more decisive acts in open insult to the pope's authority.

In London no time was lost by the partisans of the divorce. Cranmer had been consecrated on the 30th of March, and in the early part of April he instituted proceedings by calling a meeting of bishops, divines, and lawyers, to give their opinion as to the legitimacy of the marriage of Henry VIII. and Catharine of Aragon. Of the eighty-two divines, sixty-six said that the marriage was clearly unlawful and void; but there was still a bold minority of sixteen to say no. Of the forty-four lawyers, six only voted against the king.

Henry VIII. re-commenced a comedy like that he had played with Wolsey, but it was to be more complete, and carried on to the very end. Cranmer, in the name of the laws of Holy Church, demanded the king's permission to have the suit tried by the archiepiscopal court of the province of Canterbury. Henry declared that he did not recognise the supremacy of the church in such matters; then Cranmer

* Vol. vii of the Italian Collection, pp. 247, 306, et seq.

made a fresh demand for authorization, but in the name of God alone,* and the licence to act was immediately granted him. An ecclesiastical court was therefore appointed to be held on May 8th at Dunstable, a few miles from Ampthill, Catharine's residence. She was cited three times, and did not appear; she was then declared contumacious. Cranmer's assessors were Longlands, Bishop of Lincoln, and Gardiner, Bishop of Winchester, and eight doctors of canon law. And on Friday, May 23rd, 1533, Cranmer gave sentence on the finding of the court, that in the name of God the marriage of Henry and Catharine was null and void, as having been contracted and completed in violation of divine right.

Cranmer, communicating this sentence to Henry in an official letter, gravely exhorts him to submit to the will of God, and on that condition declares him free from the censures he had incurred by living in unlawful connection with his brother's wife. Pole asks him if he had not laughed within himself when he thus acted the strict judge towards the king, and alluded to the risk he had run of being struck by the thunderbolts of heaven.†

But this was not all; this commencement had to be finished up by declaring the marriage of Henry and Anne Boleyn retrospectively valid, so as to leave no doubt as to the legitimacy of the children

* See State Papers, published in 1847, vol. i, pp. 390, 391.

† Poli, Epist., De Sacram. Eucharistix, p. 6.

that might come, and their right to succeed to the crown. No doubt this union had taken place before the first marriage was annulled, but no difficulty could stop such docile judges and complaisant casuists as Cranmer and his worthy assessors.

Cranmer therefore held another judicial sitting at Lambeth on May 28th; and then, after having heard the king's power of attorney read, and examined various witnesses, he declared that Henry and Anne Boleyn had been joined in lawful marriage; that this marriage had not been clandestine, but *public and manifest*, and that, if need were, he would confirm it by his judicial and archiepiscopal authority.*

As soon as the pretended judgment against Catharine had been pronounced, she had written to the pope to inform him that she had been banished from the Court to Ampthill. Harshly parted from her daughter, she wrote to her not to make vain lamentations over her own fate, but advising her to apply diligently to her studies, under the direction of her new tutor, Doctor Featherstone.

"DAUGHTER,

"I pray you think not that forgetfulness has caused me to keep Charles so long here, and answered

* As Bossuet points out, the unworthy weakness of Cranmer, his gross ingratitude to Anne, and his shameful complaisance in quashing all his marriages at Henry VIII's. will, deprive his first judgment of all appearance of authority that the name of archbishop might have given it. Histoire des Variations, liv. vii.

not your good letter, in the which I perceive ye would know how I do. I am in that case that the absence of the king and you troubleth me. My health is metely good; and I trust in God He who sent it me doth it to the best, and will shortly turn to come with good effect. And in the meantime I am very glad to hear from you, especially when they show me that ye be well amended. I pray God to continue it to His pleasure.

"As for your writing in Latin, I am glad that ye shall change from me to Maister Federstone; for that shall do you much good to learn from him to write right, but yet sometimes I would be glad when ye do write to Maister Federstone of your own enditing, when he hath read it, that I may see it, for it shall be a great comfort to me to see you keep your Latin and fair writing and all. And so I pray to recommend me to my lady of Salisbury.

"Your loving mother,

"CATHARINE THE QUEENE.

"At *Woburne*, this Friday night."*

The last part of this letter betrays the pupil of Peter Martyr, the distinguished classical scholar who had attracted the attention of Erasmus in his youth. It is beautiful to see how this persecuted queen is able to control the expression of her sorrow and personal anxiety, thus to watch from a distance over

* Miss Strickland, vol. iv, p. 136.

her daughter's welfare, and procure for her a solid education which offers so many resources and consolations in all occurrences of life.

Soon after, Catharine wrote her daughter another letter full of excellent advice, begging her to submit to her father's will with patience and meekness; she feared, with good reason, that Mary might displease the king by the expression of her complaints, and that the spies surrounding her might gather them up. She felt that it would be unwise to risk damaging any chance that might remain of the rightful heiress of the crown some day gaining recognition and triumph for her lawful claims. This letter contains some expressions of affection for Lady Salisbury. "Tell her that to the kingdom of heaven we never come but through many troubles."

A little later the unhappy queen, having heard that her daughter was ill, even condescended to write to Cromwell and ask him to obtain permission for her to see her child, saying "that a little comfort and mirth she would take with me would be a half health to her. For my love let this be done." But this affecting request was cruelly refused. This last trial was too hard and too bitter for Catharine; she herself fell ill in the house at Ampthill where she was residing.*

Cranmer had caused both parties to be informed of the sentence of divorce. He sent a notification of

* It was a country house of Sir Thomas More in Hertfordshire.

the judgment to Henry VIII., with threats of the anger of heaven if he persisted in his unlawful commerce with his brother's widow. These threats were tardy and illusive, for this intercourse thus stigmatised had ceased for quite three years.*

The communication of the judgment to the queen was of quite another character. It was conveyed to her by Lord Mountjoy,† who had been her page, and who was sent to inform her that she was degraded from the rank and title of Queen of England. As she was ill, he could not wait upon her till after three or four days.

At last she received him, "lying upon her pallet, because she had pricked her foot with a pin, so that she might not well stand or go, and also sore annoyed with a cough. Perceiving that many of her servants were there assembled, who might hear what should be said, she then demanded 'whether we had our charge to say by mouth or by writing?' We said 'both;' but as soon as we began to declare and read that the articles were addressed to the Princess Dowager, she made exception to that name, saying she was not 'Princess Dowager, but the

* An non tecum ipse ridebas cum tanquam severus judex regi minas intentares? Poli, Epist. De sac. Euch.

† Miss Strickland, from whom we borrow this account, vol. iv, p. 139, does not say that Lord Mountjoy was attended by Sir Robert Dymoke, John Tyrrel, Griffith, Richard and Thomas de Vaux. See their report in the State Papers. This was July 13th, 1533.

queen, and the king's true wife; had been crowned and anointed queen, and had by the king lawful issue, wherefore, the name of queen she would vindicate, challenge, and so call herself during her lifetime.'"

It was in vain that Mountjoy and his coadjutors alternately offered bribes and used threats. Catharine remained firm in her determination. She treated all offers of augmentation to her income with queenly contempt. They proceeded to tell her, if she retained the name of queen, "she would (for a vain desire and appetite of glory) provoke the king's highness, not only against her whole household to their hindrance and undoing, but be an occasion that the king should withdraw his fatherly love from her honourable and dearest daughter the Lady Princess Mary, which ought to move her if no other cause did."

As they found that nothing would make Catharine yield, they endeavoured to prove her, and terrify her with threats directed towards her daughter. This was the first time such a thing had been done. Catharine would not be daunted, and quietly answered, "As to any vain glory, it was not that she desired the name of a queen, but only for the discharge of her conscience to declare herself the king's true wife, and not his harlot for the last twenty-four years. As to the princess her daughter, she was the king's true child, and as God had given her unto

them; so, for her part, she would render her again to the king as his daughter, to do with her as should stand with his pleasure, trusting to God that she would prove an honest woman; and that neither for her daughter, her servants, her possessions, or any worldly adversity, or the king's displeasure that might ensue she would yield in this cause to put her soul in danger; and that they should not be feared that have power to kill the body, but He only that hath power over the soul."

Then she caused the minute of proceedings, brought by Lord Mountjoy, to be handed to her, and drew her pen through the words "princess dowager" wherever she found them, and substituted "Queen of England." * This minute is preserved in the national archives in London, with the alterations and additions made by Catharine. Authentic and everlasting protests against a great judicial iniquity.†

By permitting her to make these brave alterations, Mountjoy, and the commissioners with him, allowed her, by implication, the title in dispute, and she made them feel her power as their queen both by her dignified attitude and the authority of her words.

According to the orders he had received, Mountjoy wished to exact an oath from Catharine's servants

* On July 5th, 1533, Henry withdrew the title of queen from Catharine by official proclamation. See the text of this proclamation in Rawdon Brown's Calendar, vol. iv, No. 933, p. 430.

† It appears that she had a copy in Spanish immediately prepared.

that they would only recognize and treat her as Princess of Wales. She forbade them to take this oath. However, several of them quitted her service, only a few remained with her at all risks; and as Henry VIII. could not dismiss them all he was obliged to excuse those who remained in attendance on Catharine from the oath he had required.

This was another moral victory gained by the deserted and friendless queen over the all-powerful Henry VIII. The king's persecution recoiled before the heroic constancy of some faithful servants.

CHAPTER XXII.

The Pope annuls the Sentence of Divorce, and threatens Henry with Excommunication—Guillaume du Bellay de Langey, French Ambassador in England—Cardinal de Tournon, Ambassador at Rome—Norfolk and the English Ambassadors in France—They endeavour to separate France from Rome, and Norfolk advises Francis I. to nominate a Gallican Patriarch—Norfolk accuses Francis I.'s Domestic Policy of weakness in respect of the Roman Court—Interview of Clement VII. and Francis I. at Marseilles.—Improper Behaviour of the English Ambassadors present—Conciliatory Mission of Bishop Jean du Bellay to England and Italy—Well received by Henry VIII., he afterwards goes to Rome—He sends a Dispatch to the King of England—Notwithstanding the Promises made to Du Bellay, Henry VIII. continues his Aggressions against the Romish Church—Sentence given almost unanimously by the Consistory of Cardinals in favour of the Validity of Catharine's Marriage, and Bull of the Pope to the same Effect—The answer to Du Bellay's Dispatch arrives two days after the Sentence of the Consistory—But this Reply could not be of Consequence—While the Cardinals are still deliberating, the Anglican Church is being constituted—Henry VIII.'s Condemnation had become Necessary—Clement VII. had pushed his Temporisings, Concessions, and Tenderness to the last Extremity.

CLEMENT VII. would have appeared to acquiesce in the sentence of divorce pronounced in England, if he had not protested at the Vatican by an authentic

deed emanating from his spiritual authority. He was in some sort compelled to do this, not nearly so much by the proceedings of what was called the Spanish faction at Rome as by the actual right of Queen Catharine, and the great interest attaching to her cause taken in itself, independently of all human support. A Papal bull was therefore published in the month of July, annulling Cranmer's sentence, and excommunicating Henry VIII. and Anne Boleyn, unless they appeared before the pope during the month of September, or separated before that time. Henry fought for his position foot by foot, and attacked this bull in a doctrinal tract, claiming to discover several nullities in it.

On another side he had to conciliate France, even for the purpose of his suit, and, what is very curious, he had not lost all hopes of getting his marriage with Anne Boleyn, and the divorce sentence of Cranmer, approved at Rome by the pope.

As he was displeased at the treaty of Cambrai, and required pecuniary compensations from Francis I. that he could not or would not pay, it was proposed to give him satisfaction of another sort. He said he wished to have a secret conference with an extraordinary ambassador of the King of France on most important matters. For this mission was immediately selected Guillaume du Bellay, better known under the name of Langey, brother of the bishop, Jean du Bellay, a general of distinction in

the army, and a more steady man of business than his brother, the lively and rather worldly bishop, whom we have already had occasion to know.

For this we can rely upon the memoirs of Martin du Bellay, Langey's third brother, written from fragments and notes of Langey's own.*

The ambassador had been desired to announce to Henry VIII. the approaching marriage of the Duke of Orleans with the Duchess of Urbino, niece of Clement VII. Francis I. was to have an interview with the Holy Father in Provence, and take his son there, while Clement would bring his niece Catharine, and there, "to give greater security to our said Holy Father, and divert him completely from his devotion to the emperor, the marriage should be brought to a conclusion."

When the King of England saw Langey he replied by a no less interesting communication.

"The business that Henry VIII. desired to declare to the King of France was that, after so many adjournments and 'dissimulations' (*sic*) as the Bishop of Rome"—as he called the pope—"had treated him to in the divorce suit, he had obtained a declaration

* Montaigne says concerning this work: "C'est toujours plaisir de voir choses escrites par ceux qui ont essayé comme il faut les conduire." But he suspects Langey and Martin du Bellay of some partiality, for he adds: "C'est icy plustost un plaidoyer pour le roi François contre Charles cinquième qu'une histoire." See Mémoires relatifs à l'Histoire de France, by Michaud and Poujoulat, vol. v, p. 98, Paris, 1838.

granting it from the English Church, with the Primate of England as president, that his marriage had been declared null, and the dispensation null, as given in a case not capable of dispensation, and not within the power of the pope or the church." *

The King of England also told Langey that he had married "la Marquise de Boleyn" before three or four witnesses only, that he should keep this marriage secret for some time, hoping that Francis I., during the interview proposed to be held in Provence, might induce Clement VII. to confirm the sentence of divorce given by Cranmer, otherwise he would publish his marriage, and proceed to free himself entirely from the yoke and servitude to the Church of Rome.

The emperor, according to Henry VIII., had made a "very passionate" speech to the Bishop of Rome concerning "the cruel war" that should be made upon the King of England, if he did not take back Catharine of Aragon for his wife, and restore her honours and dignities. Charles V. must expect a diversion in his favour to be made by the King of Scotland, with whom he had made an offensive and defensive league.

Guillaume de Langey seemed to enter into Henry's ideas as to the bad behaviour of Charles V., but tried to pacify him as regarded the pope, and made him hope that Francis I., who was flattering the pride of

* Mémoires relatifs à l'Histoire de France, p. 254.

the Medici by offering them an alliance with one of the oldest dynasties of Europe, would get anything he chose from the sovereign pontiff when the marriage was being concluded; only he added that success would be much more probable if the King of England himself were present at this interview.

Henry would not expose himself to be called upon for explanations of his conduct which he would have found very difficult, for he could not very well excuse his continued disobedience to the pope, after his promise not to press matters any further, and not only marrying Anne Boleyn, but even also making her Queen of England, and giving her the honours of a solemn coronation.

That was the very point Clement VII. complained of to the French ambassadors, especially Cardinals de Tournon and De Grammont. "To have taken cognisance of the divorce suit contrary to the formal prohibition of the Holy See, reserving the judgment to itself, was a matter of considerable encroachment upon the privileges of the Holy See especially as during the time he was prayed to suspend the process, and make no innovation until the meeting, the said king was always making innovations and going further." *

Cardinal de Tournon, commissioned by Francis I. to press the pope in favour of the King of England, did his best, and thus relates the result of his attempt

* Mémoires relatifs à l'Histoire de France, p. 255.

to his master: "The Holy Father replied that he was much grieved to have been unable to satisfy your majesty, but that the King of England had constrained him, and almost obliged him to do as he had done,* especially since he had seen that the new marriage had taken place contrary to his inhibition and prohibition, and, further, had passed his laws of supremacy and others to the grand detriment of the Holy See and the Church, and again caused the Archbishop of Canterbury to proceed to judgment, who, in the same judgment, whereof we have seen the duplicate in open consistory, styles himself *légat né* in England of the Apostolic See, and he has proceeded against and beyond the authority of the said Holy See. Truly, sire, most of the cardinals would have been disgusted with the pope if he had not acted as he has. Certainly, sire, you would not do a small thing for the King of England if you persuade the Duke of Norfolk that this is the case. If the King of England will make ever so small a semblance of retiring from his attacks, and obeying the pope—and His Holiness can find an honourable colour to do anything for the King of England—I assure you, sire, that, for love of you and him, he will do it as willingly as he can . . . . I believe, sire, that you have been informed that the king has recalled all his ambassadors here away (at Rome), and has desired

* Mémoires de Du Bellay, Authorities, the Abbé Lambert's edition, vol. ii, p. 454.

Doctor Benoit (Benett) to take leave of the pope and come home."

This letter gives a clear account of the position of Clement VII., and the judicious mind and great practical sense of Cardinal de Tournon is evident in it.

A very strong current in favour of the rights of Queen Catharine had set in all over the Catholic world, and at the Court of Rome. The pope could not withhold his deference to it. Henry VIII. had managed to create an opposing current in England by his machinations, frauds, and abuse of power, and would have found it difficult, if he had wished it, to stem its course and go back. And so, when he sent an embassy to France composed of the Duke of Norfolk, Lord Rochford, Pawlet, Brown, and Bryant, the ostensible object was to discuss Francis's offers of mediation. But the secret instructions were to counsel that king also to pass a law of supremacy in spiritual matters, or, at least, to appoint a French patriarch, who might free him from the necessity of having recourse to the sovereign pontiff, either for the institution of bishops, dispensations, or the discipline of the clergy; if the King of France would take up this plan, and engage to forbid any dispatch of money to the pope's treasury, Norfolk was desired to offer a considerable subsidy to the King of France. Francis endeavoured to persuade the duke that, with concessions on both sides, an agreement might still

be come to between Rome and England. But he firmly refused the corrupting proposals made to draw him into a revolt against the Holy See; protesting, nevertheless, that he should be able to defend the prerogatives of his crown, as his predecessors had done, and would not permit any encroachment on the part of the spiritual authority over his temporal dominion.

Norfolk, having failed in his real mission, left France on some excuse; and his speedy departure must have vexed Cardinal de Tournon considerably, as he looked upon the duke's presence at the interview at Marseilles as the last chance of success for his attempts at conciliation. Norfolk persuaded Henry to send two other ambassadors, Bryant and the Bishop of Winchester.

When Francis had met the sovereign pontiff at Marseilles, he wished to proceed with the divorce business before anything else, and invited the English agents to a conference, and to discuss the clauses of an agreement between Henry VIII. and the Holy See. Their cold and disdainful attitude struck the King of France. Bonner, lately come from England, went with his two colleagues to inform the Holy Father "of his master's appeal, and give him notice of the council, a thing that put His Holiness, and not without cause, into such a state of despite and despair as cannot be told." At last Francis I., taking

them apart, said to them, "I see plainly that the king my brother, however much he presses me to mediate in his affair with our Holy Father, does not consider anything should be done." The ambassadors began to smile,* and confessed that they had no power from their master to negotiate or treat this affair.

However, as the King of France would still hope and try a last effort, he endeavoured to persuade Clement VII. that all chance of reconciliation was not lost; and he took upon him to send to Henry, Jean du Bellay, who had become Bishop of Paris, and, on his appointment, ceased to be ambassador to England. Indeed, the bishop himself solicited this important mission; he knew the ground perfectly, possessed Henry's confidence, and asserted that he should be successful in effecting a reconciliation, not only between the two kings, but even between the King of England and the Court of Rome.

We, however, should think that the sycophant of Anne Boleyn and flatterer of Henry VIII. was less desirably situated than anyone to exercise an influence on that king.

The King of France had given detailed instructions to Jean du Bellay, entitled, "Minute of the points that Monsieur du Bellay, Bishop of Paris, will have to introduce to the King of England, to impute

* Histoire du Divorce, J. Legrand, vol. iii, pp. 580, 583.

to his ministers the rupture of the negotiations undertaken by Francis I. with the pope in favour of King Henry VIII."*

After some tolerably strong complaints as to the conduct of the English *ministers*, in dexterous language that threw all the responsibility upon them, as if Francis had understood one of the fundamental points of the British constitution, he concludes, "that an attempt must be made to connect and re-unite the King of England and the Holy Apostolic See by the means mentioned at Marseilles, and others considered good and reasonable, So that on both sides the injuries or attacks given and received might be gently repaired, and the said Paris should do everything he possibly could to the very end, not forgetting to offer him to make a good confederation and defensive league among those three."

The Bishop of Paris was very well received by Henry VIII., but he made bitter complaints of the way the pope had behaved to him, as he said he wished to compel him to leave his kingdom and appear at Rome in person, to personally uphold his right. Nevertheless, after the sharp and strong remonstrance made him by the Bishop of Paris, he was pleased to promise that, if the Holy Father consented to arrest judgment of the divorce until new commissioners had been appointed to try the suit, he also would delay the plan he had announced of withdrawing entirely

* Histoire du Divorce, Legrand, vol iii, pp. 571, 588.

from the authority of the Romish Church.* Thereupon the officious prelate proposed to undertake to go himself to Rome to argue in favour of the divorce, and this offer was accepted. Jean du Bellay therefore went to Italy through all the inclemencies of winter. He was to act in concert with the English ambassadors in residence at the pope's Court. These last had instructions that were called conciliatory. They were commissioned to propose that the divorce suit should be tried again in England, with an understanding that the judgment given should be sanctioned by the pope, and to promise that on these conditions the kingdom should remain in obedience to the Apostolic Holy See.

In spite of the promises made to Du Bellay, as soon as that ambassador had started for Italy, Henry did not trouble himself in the least to suspend his attacks upon the Romish Church. On the contrary, while in the instructions sent to his ambassadors he pretended in some respects to make advances to the Holy Father, and affected to be reconciled to him, he continued to separate from him further and further, by the direction given to his home government.

There is in existence a curious letter of the Duke of Norfolk,† in which he thanks Francis I. for having

* Memoirs of Martin du Bellay, Michaud's Edition, vol. v, pp. 283, 284. This author's authority is especially good here, as he must have known what Henry VIII. had told his brother.

† Of January 27th, 1534, J. Legrand, vol. iii, pp. 588, 595. It has been stated that Francis I. had entered into negotiation

sent *Monsieur de Paris* to Rome in the interest of Henry VIII., and allows himself to assert that, according to the *best doctors of England*, the pope has no more power beyond the diocese of Rome than any other bishop has beyond his own diocese. He says that "these doctors have, by their irrefragable reasons, convinced me and other nobles and common people of this kingdom of this truth, and confirm it from day to day; so that if the king his master gave them permission to bring the matter forward, if he allowed the present Parliament to discuss it, the pope himself and his successors would not only lose the obedience of the whole kingdom, but even everything connected with him and his authority would always be there detested and held abominable."

The Duke of Norfolk, under pretext of giving semi-official advice and friendly information to the ministers of Francis I., dares to use these expressions, saying that "since the interview at Marseilles the king his master (Francis) is by no means too much inclined to favour the pope to the detriment of his own jurisdiction and royal power. For his said master being the very powerful and most

with the German Lutherans for their support, and to engage to withdraw himself from obedience to the pope. This does not seem to be proved historically. Only one contemporary's testimony can be quoted, and that is very suspicious, being Christopher Mount's, a German, and agent of King Henry VIII. with Francis I. This Mount had tried to put Melancthon in communication with the King of France, but, it seems, had not succeeded.

Christian king, who recognises no superior, why had he, as was reported, procured a bull from the pope to do justice in his kingdom. As much as to say that he had no such power before without the pope's bull. Could not the pope, under colour of this, usurp the royal power, and also bring up the case to the detriment of all other kings and princes?"

Now what was all this about? It relates to two pontifical bulls; one on the correction and punishment of heretics in France, the other concerning the condemnation of priests and clerks convicted of heresy. In order to avoid any conflict with ecclesiastical authority, Francis I. asked and obtained a formal authorisation from the pope to have crimes against religion prosecuted before his secular judges, and even to simplify the necessary forms for the degradation of a priest accused of heresy, a degradation that could only be decreed by spiritual authority.* This was on Francis's side in full accordance with the Church, while in England the only aim was war and separation.

Thus Henry VIII. was not contented with seeking to draw England into schism, but also attempted to propagate this policy of discord between State and Church among the neighbouring powers; he endeavoured to encourage mistrust and hatred towards the papacy.

* See the letter of the bull quoted in the authorities. Histoire du Divoree, J. Legrand, vol. iii, pp. 615, 616, 617.

We have just seen that one of his ministers had the audacity to interfere in French policy, and censure it for over-complaisance towards the Court of Rome. Such an impudent interference would have deserved to be repulsed with the knightly scorn that was part of Francis I.'s character, and was at times so well expressed by him.

It may be seen from Norfolk's letter that Henry had managed to turn public opinion within his kingdom in a direction most hostile to the papacy; and by that means he had prepared a favourable reception for the bills he laid before his parliament in the beginning of 1534, which were destined to make the breach between Rome and England yet wider and wider.

Cromwell, who, as we have said, had been appointed chancellor of the exchequer, as a recompense for his past services, was desired to support these bills, with the assistance of Cranmer, the Archbishop of Canterbury.

The submission in spiritual matters extracted the year before from the convocation of the clergy, was established by statute, and in the preamble was intentionally placed * an article that seemed to limit the duration of it to the reign of Henry VIII., but a clause had been added to the effect "that all such canons and ordinances as had been already made, and were not repugnant to the statutes and customs

* Lingard says, "artfully omitted," vol. iv, p. 204. (Ed.)

of the realm, or the prerogatives of the crown, should be used and enforced till it should be otherwise determined according to the tenor and effect of the said act."

Therefore, in virtue of this statute the king might have caused religious crimes and suits to be tried by the civil tribunals; but neither he nor his successors made use of this power, because the spiritual courts had lost their purely ecclesiastical character, and the entire clergy, since the separation, had become one of the divisions of the power wielded by the state. The clauses of an earlier statute, forbidding appeals to Rome in certain cases, were extended to all cases whatsoever, and in the event of an appeal from the archbishop's judgment, instead of the pontifical court, it was to be carried before the king in chancery, and he was to appoint commissioners, whose judgment should be final in the cause. This high court bore the name of the Court of Delegates.

"In addition to the statute by which the payment of annates had been forbidden, and which had since been ratified by the king's letters patent, it was enacted that bishops should no longer be presented to the pope for confirmation, nor sue out bulls in his Court; but that, on the vacancy of any cathedral church, the king should grant to the dean and chapter, or to the prior and monks, permission to elect the person whose name was mentioned in his letters; that they should proceed to the election

within the course of twelve days, under the penalty of forfeiting their right, which, in that instance, should devolve to the crown; that the prelate named or elected should first swear fealty; after which the king should signify the election to the archbishop, or, if there be no archbishop, to four bishops, requiring them to confirm the election, and to invest and consecrate the bishop-elect, who might then sue his temporalities out of the king's hands, make corporal oath to the king's highness, and to no other, and receive from the king's hands restitution of all the possessions and profits, spiritual and temporal, of his bishopric." *

Certainly this was breaking the last links that bound the English episcopacy to the Roman Catholic Church. This was destroying the natural law† which now had regulated the relations of kings and states with Rome for several centuries all over Europe. The spiritual power had no longer any share left in the hierarchial government of England. The new Act of Parliament placed this power entirely in the English crown. In truth, certain nominal prerogatives were reserved to the Archbishop of Canterbury in his character of primate. But it was decided that, if any person found himself injuriously affected by a

* Lingard, vol. iv, p. 204. (Ed.)

† *Le droit public.* This law, or right, is of course assumed by the writer, who cannot be expected to acknowledge that it was the result of Roman usurpation. (Ed.)

sentence of the archbishop, by presenting a petition to Chancery he might compel the prelate to give the reasons for his sentence, and the king would still consider them, and give supreme judgment.

Parliament also settled the question of succession to the throne. The marriage of Henry and Catharine had been declared null at law, and that which he had contracted with Anne Boleyn, having been declared lawful and valid, the king's issue by the first marriage was excluded from the succession, and that by the second alone was made inheritable of the crown. Any attempt to slander this last marriage, or seek to prejudice the rights of the heirs that might issue from it, was declared to be high treason. Any person knowing of writings, or hearing words against this act of succession, might be prosecuted, if he did not denounce them, as an accomplice of misprision of treason. Lastly, all the king's subjects of full age were obliged to swear obedience to this act, under the penalty incurred by concealment.

Never were the rights of liberty of conscience more outrageously violated than by such acts of Parliament. This set of acts and laws just described contained a whole ecclesiastical organization, independent and even exclusive of the Romish Church. Henry VIII. was building a kind of spiritual fortress, and surrounding it with entrenchments, on pretence of defending himself against attacks from without.

But when he had established his little church, he soon came to merciless proscription of any who still desired to be in communion with the great church he had himself belonged to. In his eyes it was an immediate consequence of his separate establishment. Anglicanism was already created, and the only work left was to strengthen it and develop it to the utmost.

Henry VIII. may be said to have already made his breach with the Papacy irreparable. His marriage to Anne Boleyn seemed to shut him out from the possibility of retreat.

Du Bellay, not choosing to believe that this revolution in religion had advanced so far, continued to labour at the impossible reconciliation. As soon as he arrived at Rome, he obtained an audience of the consistory, and gave information to the cardinals of his proceedings with the King of England, and asked permission to send him the Holy Father's final proposals before definite judgment was given in the divorce case. This request seemed reasonable, and was well received by the august assembly. Du Bellay, therefore, immediately despatched a messenger to King Henry VIII. himself, ordered to travel with the utmost expedition, so as to get back by the day appointed for the consistory. The day arrived before the courier's return. Then the Bishop of Paris prayed for a further delay of six days, pointing out that the courier might have met with accidents

on the road, that there had been storms at sea and contrary winds; lastly, that, as the King of England had waited six years, the cardinals might well wait six days for him.*

These last words, betraying an eager partisan of Henry VIII., were neither suitable, nor just, nor true; from these boasted six years of royal patience must be deducted three years of intimacy with Anne Boleyn, without reckoning the secret marriage with her, or the sentence of divorce given by Cranmer. The cardinals considered that the request was a little too much for their forbearance.

They determined to proceed to judgment on the day arranged, March 23rd, 1534. Twenty-two cardinals were present. With the exception of three, who were for more delay, and absented themselves when it was refused, they all gave sentence to the effect that "the marriage of the King of England and Catharine has been and is good and valid, and the present or future offspring of it is and will be legitimate." †

The pope immediately confirmed the cardinals' sentence in a firm and dignified bull, given below. ‡

* Martin du Bellay, Histoire du Divorce, p. 234.

† Letter of J. du Bellay, Histoire du Divorce, J. Legrand, vol. iii, p. 631.

‡ The Latin text of the bull:

"Clemens Papa VII.,

"Christi nomine invocato, in throno justitiæ pro tribunali sedentes, et solum Deum præ oculis habentes, per hanc nostram definitivam

This was the triumph of justice so long expected. Rome had at last spoken, and given the case against a powerful king to the weak unjustly oppressed. As the sovereign pontiff had been forced to give an opinion, he could not decide against Queen Catharine without dishonour to himself. He was obliged to condemn Henry VIII., whatever might be the conse-

sententiam, quam venerabilium fratrum nostrorum, sanctæ Romanæ Ecclesiæ cardinalium consistorialiter coram nobis, congregatorum concilii et assensu, ferimus in his scriptis, pronuntiamus, decernimus, et declaramus: in causa et causis, ad nos et sedem apostolicam per appellationem, per carissimam in Christo filio, Catharinam Angliæ reginam illustrem, a nostris et sedis apostolicæ legatis, in regno Angliæ deputatis, interpositam legitime devolutis et advocatis, inter prædictam Catharinam reginam et carissimum in Christo filium Henricum octavum Angliæ regem illustrem super validitate matrimonii inter eosdem reges contracti et consummati, rebusque aliis in actis causæ et causarum hujusmodi latius deductis. Et dilecto filio Paulo Capissucho, causarum sacri Palatii tunc decano, et propter ipsius Pauli absentiam, venerabili fratri nostro, Jacobo Simonetæ, episcopi Pisauriensi, unius ex dicti Palatii causarum auditoribus locum tenenti, audiendis, instruendis, et in Consistorio nostro Secreto referendis commissis et per eos nobis et eisdem Cardinalibus relatis et mature discussis coram nobis pendentibus, matrimonium inter prædictos Catharinam et Henricum Angliæ reges contractum, et inde secuta quæcumque fuisse et esse validum et canonicum; et debere sortiri effectus, et prolem exinde susceptam et suscipiendam, fore et fuisse legitimam. Et præfatum Henricum Angliæ regem teneri et obligatum fuisse et fore, ad cohabitandum cum dicta Catharina, ejus legitima conjuge, illamque maritali affectione et regio honore tractandam. Et eumdem Henricum Angliæ regem, ad præmissa omnia et singula cum effectu adimplendum, condemnandum, omnibusque juris remediis cogendum et compellendum fore prout condemnamus, cogimus et compellimus. Molestationesque et denegationes, per eumdem Henricum regem eidem Catharinæ, super invaliditate ac fœdere dicti matrimonii quomodolibet factas et præstitas, fuisse et esse illicitas et injustas. Et eidem Henrico regi super illis ac invaliditate matrimonii hujusmodi, perpetuum silentium imponendum fore et imponimus . . . ."

quences. Clement VII. had himself made public recognition of this some time before his final sentence.

The English and French ambassadors were astounded; the same evening the Bishop of Paris wrote to King Francis I., "It has not been your fault, and the imperialists allow it, that, while honourably acting up to your friendship for the King of England, you did not make it your duty to prevent, both now and for the future, one of the greatest troubles that has for a long time fallen upon the Church, or, peradventure, the whole of Christendom. At the present moment there are great crowds of the imperialists in the streets, crying out, *Impero e Spagna,* and they are firing great guns and small to show off their delight." *

Bishop du Bellay, writing in hearing of all these rejoicings, shows clearly enough how much they vex him. This seems to show that he really had a hope that his negotiation would be successful even at the last gasp.

Two days afterwards, on the 25th of March, came the courier expected from England; he brought, it is said, satisfactory declarations from Henry VIII. "This," according to Martin du Bellay, "marvellously astonished those who had chosen to precipitate matters. They met several times to try to mend what they had spoiled, but they found no

* Histoire du Divorce, J. Legrand, vol. iii, Authorities, p. 634.

remedy. The King of England, seeing with what indignity he had been treated, and the disrespect shown to his majesty, being also treated no better than the meanest in Christendom, separated both himself and his kingdom from obedience to the Romish Church; making himself, next to God, head of the English Church. This is the summary of events." *

Such great events, whatever may be said, did not hang on two days' delay of a public messenger. Whatever was the nature of Henry VIII.'s despatches, he had not waited to know what effect they might produce before having himself proclaimed head of the English Church, and deriving most important consequences from this spiritual supremacy. It is clear that he would only have submitted to Rome, if Rome had put him in the right.

Martin du Bellay, whose account we have given, could not forget that his two brothers had pleaded for the divorce, no doubt in the belief that they were acting in the interest of France, and perhaps of the Church. He naturally, therefore, endeavoured to diminish the moral value of a decision that condemned the side they had taken, and entailed the failure of all their diplomacy. Besides, to take a comprehensive view of the situation, when the consistory gave sentence, it was necessary to look at England as well as Rome; there can be no doubt

* Mémoires, p. 284.

that one of those decisive steps that are irrevocable had been just taken in that country in the direction of separation and spiritual rebellion.

Therefore it cannot be supposed that the reply sent by the messenger to Rome was favourable; for, at the time when Henry VIII. gave his despatches to this messenger, all his actions showed his invincible determination to withdraw himself from the authority of the Holy See and communion with the pope.

As Lingard points out, "The judgment given by Clement could not be the cause of that separation, because the bill abolishing the power of the popes within the realm was introduced into the Commons in the beginning of March, was transmitted to the Lords a week later, was passed by them five days before the arrival of the courier (March 20), and received royal assent five days after his arrival in Rome (March 30)." See Laud's journals, pp. 75, 77, 82. "It was not possible that a transaction in Rome on the 23rd could induce the king to give his assent on the 30th." * Indeed there was no telegraph, nor railway, nor steamboat, not even regular, well-served posts, and a messenger who went from London to Rome in eight days would have accomplished such a prodigious feat as to be specially mentioned in history.†

* Lingard. Note, vol. vi, p. 203.

† We find in a history of Hugh of Lyons, called La diplomatie fran-

Therefore it was not because the Court of Rome had precipitated matters, and had showed little respect for the King of England, that the separation was proclaimed in that kingdom; the separation was the result of the spiritual supremacy there arrogated to himself by Henry VIII., as well as the suppression of all appeal of English subjects to the Court of Rome; and the pope would have gained nothing by extending his consideration to such a length. Is it credible that he might have succeeded in re-establishing his power over England, if he had delayed sentence in the divorce suit for a few days? Would the Parliament and the king have repealed the bills they had just passed and given assent to? Besides, Jean du Bellay, who received Henry VIII.'s despatch, must have known its contents; if they embraced acceptable proposals of agreement, why did not he make them known? Why did he neglect this means of defending the King of England, being such an ardent partisan. No doubt Henry VIII. required the pope to pardon and authorise the deed that was done; but the sovereign pontiff, who had at three different times sent prohibitions and inhibitions to the King of

çaise, au xvii siècle by Valfrey, vol. i, introduction. p. xciv, Paris, Didier, 1877: "In the seventeenth century an ambassador often had to bear great responsibilities, because the urgency of business rendered it impossible to ask for and await special instructions, an operation that required, between Paris and Rome, for instance, thirty days." This proves the case.

England * against proceeding to a second marriage before the first was annulled, and had menaced him with his anathemas, in case of violation of these inhibitions, could not discredit his own judgment, and give a premium to the rebellion because it had been perpetrated. It would have been a moral abdication, a kind of suicide of the papacy such as could not be dreamt of, and Providence could not permit.

This created a double weight of circumstances, and any wish to contend with them was senseless. It is impossible to understand how, on the eve of March 23rd, Jean du Bellay could still dream of reconciliation. Still less can it be understood how some modern historians could venture to accuse Clement VII. of having driven England into separation by excessive obstinacy and precipitancy.

On the contrary, a careful study of facts will produce a conviction that the pontiff carried the system of temporisation, concession, and political circumspection to the utmost verge.† The gate of repentance long stood open for Henry VIII., but his incurable obstinacy prevented his taking advantage of it.

At last the gate was shut, and shut so that it

* The first brief fulminated on this matter by Clement VII. is dated March 7th, 1530, the second on January 10th, 1531, the third December 23rd, 1532.

† Histoire d'Angleterre, by M. de Larrey, p. 273.

could not be opened. It was time the suit was ended, perhaps the most famous that ever took place in the world. The King and Queen of England appeared as principals; the emperor and the King of France joined in as counsel. All Europe was the attentive and silent audience. After very sharp and sometimes passionate debates, and a grave and profound inquiry, the church spoke its final judgment.

A Protestant writer has said that the prejudices of Europe were in favour of Rome; the event turned out in England's favour. This prejudice of Europe, that is to say the whole civilized world of the time, was only a remarkable testimony paid to justice and truth; the event that took place in England was a local victory won over innocence and virtue by fraud and force.*

* I have ineffectually examined the French archives and libraries at Paris in search of the despatch of Henry VIII. to Du Bellay, that he says would have prevented the decision of the consistory, and consequently the English separation. I afterwards applied to Professor Brewer, and he made a similar search in the Record Office and London collection of papers, and this is the reply he was kind enough to send me:—

"June 26th, 1878.

"Dear Sir,

"I have made careful search among the papers preserved at this office, but I can find none like that mentioned in your letter. Notwithstanding the statement of Du Bellay, I should much doubt whether any such proposal was made by Henry, still less in the definite terms stated by that historian. It would be entirely at variance with the rest of the king's correspondence. I am sorry I have not been able to answer your letter before.

"Yours very truly,

"J. L. Brewer."

CHAPTER XXIII.

I. Henry VIII. gradually becomes a Persecutor—A vehement Sermon of a Franciscan Friar of the Observance, before the King, comparing him to Ahab—Next day Henry sends his Chaplain to the Monastery of the Observants—The Chaplain having been badly received, the Privy Council summon the Prior before them, and condemn him and the Preacher to banishment—All the Monks of the Monastery are soon afterwards condemned to the same Punishment—Singular Fulfilment, at least to a certain amount, of the Prophecy made to the modern Ahab.

II. Father Forest and his Correspondence with Catharine—The Predictions of the ecstatic Elizabeth Barton—Fisher's and More's Communications with her are politically Incriminated—Fisher prosecuted and made to apologise—More guiltless on this Occasion—Interrogatory and Answers of Sir Thomas More—Fisher and More committed to the Tower for not taking the Oath of Succession—Their property is Confiscated, and they are kept in Prison—Spiritual Supremacy of the King proclaimed all over England—Fisher and More refuse to swear to to this act of Supremacy—Condemnation, Execution, and heroic Behaviour of Fisher—Trial, Defence, and Condemnation of More—His Firmness and Death—Indignation in the Political and Learned World of Europe—Execution of several Clergymen.

I.

AN English political historian has called Henry VIII. "by nature the most uncontrollable of

mankind."* Indeed there are but few sovereigns of modern times who have had a greater determination not to accept a check or any sort of disapproval of their government, their views, and personal opinions.

Nevertheless, while Wolsey and Campeggio were holding their last sittings at Blackfriars, even after the evocation of the suit to Rome, while priests or divines were remonstrating with Henry VIII. about the divorce, and even attacking him violently, he had no notion of the infliction of corporal punishment upon them. He still entertained some kind of respect for the freedom of the church, and especially for the freedom of the pulpit. He was not in the least desirous of driving away indiscreet censors, or of stifling their words like a troublesome or inconvenient outcry. But here is an instance when his royal patience seems to have been driven to extremity by the audacity of a Franciscan monk called Peto, a member of the Convent of the Observants; "which Peto, having more regard to the (health of the) king's soul and the public wealth of the realm than to the safeguard of his own body, and having occasion in a sermon he made to entreat of King Achab, said, 'This King Achab would needs give ear to the false prophets which did circumvent and deceive him, and would not hearken to God's own prophet, Mycheas, whom he pained and pinched with hard diet and straight imprisonment,' which

* Hallam.

story he, accommodating to his purpose, did tell the king to his face: 'Sir, I am the Mycheas that you deadly hate, for prophesying and telling you the truth; and albeit I know that I shall be fed with the bread of tribulation, yet that which God putteth in my heart I will frankly speak.'" Whereupon, with many persuasions, he dehorted the king from the divorce. Among other things, "Your preachers," (quoth he), "resemble the four hundred preachers of Achab, in whose mouths God had put a lying spirit. But I beseech your grace to take good heed at least; if you will needs follow Achab in his doings, you will incur his unhappy end also, and that the dogs lick your blood as they did his, which thing God forbid."

When the bold preacher used this strong language the king was apparently amazed at it, and almost stupefied; and let him go without a thought of arrest or rebuke. But, after a time for reflection, the feeling of insult overcame him, and he was greatly exasperated. "The next Sunday, which was Palm Sunday, (he provided) that one of his chaplains, called Courrant, should prettily play home the said Friar Peto, who was in the mean season gone to a provincial chapter of the said Observants, then kept at Canterbury. But, lord, what a stir that Courrant made against that poor friar, being absent, and what nicknames he gave him! At length, as though he had now full conquered him, he began to

triumph and insult upon him, crying out, 'Where is Miser and Micher Micheas? Where doth he now, Micher? He is run away, for that he would not hear what should be said unto him. Belike he is somewhere lurking, and musing with himself by what means he may honestly recant.'

"There was at this time among others in the rood-loft, adjoining to the pulpit, a reverend, grave, and virtuous friar and father, called Elstowe, who being much offended with this great Golias bragge answered out of this said rood-loft, 'Forsooth,' (quoth he), 'Micheas is gone abroad, not for any fear of you, but for the affairs of our house, and to-morrow will he return. In the mean season, lo I will be another Micheas, and do offer myself, upon the loss and peril of my life, to avouch and prove by the Holy Scripture all that he hath said, and do offer myself to stand against you (being one of the four hundred false prophets) before any indifferent judge.' Many other things he would have then spoken, and much ado there was to stay him. At the hearing of this the king was cast into a great choler; and in a great heat commanded that these friars should be conveyed thither where he should never hear more of them. After a day or two they were called before the counsell, and, after many rebukes and threats, a nobleman told them that they deserved to be thrust into a sack, and to be thrown and drowned in the Thames. Whereat, Friar Els-

towe, smiling: 'Make these threats,' (saith he), 'to the courtiers, for as for us we make little accompt, knowing right well that the way lieth as open to heaven by water as by land.'" *

Elstowe and Peto were banished the kingdom, and the other monks of the convent, having taken their part, were served the same. Twenty-four years afterwards, being almost all alive, they were restored to their convent by Queen Mary.†

* Pretended Divorce, Harpsfield, pp. 202, 203. [Gairdner, Calendar, vol. v, p. 441. Chapuys to Charles V. "On Easter Day the provincial of the Friars Minors preached at their convent at Greenwich before the king, who was not pleased with the sermon; for the preacher said that the unbounded affection of princes and their false counsellors deprived them of the knowledge of the truth. The king spoke to the provincial afterwards, and heard words which did not please him; for the provincial told him clearly that he was endangering his crown, for both great and little were murmuring at this marriage. The king dissembled his ill-will, and, not being able to alter the provincial's opinion, gave him leave to go to Tholouse. When he heard of his departure he caused one of his chaplains (Doctor Richard Coren, or Curwen) to preach there in his presence, contrary to the custom of the convent, and the wish of the warden. The chaplain began to contradict what the provincial had preached, saying that he wished he were present to answer him. On this the warden rose and said that he would answer for his minister in his absence. At the close of his sermon the chaplain dared to say that all the universities and doctors were in favour of the divorce. The warden could not stand this lie, and said, in presence of the king, that it was not so. The king was very angry, and has caused all the bishops to tell the provincial, who has returned, that he ought to deprive the warden, and make him amend his error. This he will not do, and yesterday the king had them both arrested. They have promised Chapuys they will rather die than change their opinion. The provincial went abroad more to have a book in the queen's favour printed than for the chapter." Given to show Harpsfield's general accuracy in the matter.] (Ed.)

† Harpsfield, p. 205.

Here the learned doctor who tells this story also mentions a remarkable incident that happened immediately after Henry VIII.'s death, on the faith of most honourable testimony.

When the king's body was being taken from London to Windsor where he was to be buried, it lay the night at the convent of Sion, one of those ordered by the government to be suppressed. In the night, whilst lying in the deserted church of the convent, from the shaking of the car or some reason, the lead coffin containing the king's body burst, and blood fell on the floor of the church. Next day, when the plumbers came to solder up the coffin, they found a dog licking up Henry VIII.'s blood, like the dogs in Scripture licking Jezebel's blood.* So Father Peto's prophecy seemed fulfilled.

If there had been any monks left in the convent at Sion, they would have been praying around the king's coffin, and the pavement of the sanctuary defended from pollution. No Catholic, even the meanest and poorest, would leave the corpse of a member of his family alone the night before burial. And the powerful king, who had made all around him tremble, who found nothing to resist his will, a few hours after his death had not a faithful servant to protect his remains.†

* Harpsfield, p. 203.

† The account does not appear to imply that the corpse was left alone. On the contrary, the previous mention of "A continual watch was made by the chaplains and gentlemen of the Privy Chamber in

Harpsfield, the Archdeacon of Canterbury, who gives this strange story, is anxious to relieve a large number of the English clergy from the reproach of servility at this time. Having displayed the noble conduct of the friars observants, he mentions the names of several doctors who dared to write against the divorce, and take the pope's side in this great theological dispute, "as Doctor Kirkham, Doctor Roper, Doctor Holyman, Master Moremon, Master Bayner, and many others;" and then he goes on: "But the chief and most notable captains were the Bishop of Rochester, Sir Thomas More, and the Lord Cardinal Pole." *

We must dwell a short time on the two former of these illustrious men, as their noble death must not be passed over in silence.

II.

ABOUT the beginning of the year 1534, religious tyranny extended over the kingdom. A poor visionary, Elizabeth Barton, better known under the name of the Nun of Kent, pretended to have visions. It was said she had prophesied the king's death within six months if he should divorce Catharine. Fisher and More had seen the visionary, and had heard her

their course and order night and day for five days, till the chapel was ready"—Burke's Historical Portraits, vol. ii, p. 253—and other mentions of ceremonial observed, would show that there was no want of attention. Moreover, Harpsfield says the dog was creeping under the plumbers' feet. (Ed.)

* Harpsfield, p. 205.

menacing prediction. They had not sent information to Henry VIII. The nun was hung, after making confession of trickery and deceit. Some monks were also executed who had encouraged her in her imposture; also, the illustrious ex-chancellor and saintly Bishop of Rochester were prosecuted for not revealing it (misprision of treason).*

These two men were very simple in their lives, equally averse to luxury and careless of riches. Their independent characters stood out in bold relief from the general corruption.

Fisher was but a young churchman when the Duchess of Richmond, grandmother of Henry VIII., before her death begged him to watch over her grandson, and give him good advice. When the bishop grew old, he did not forget the trust placed in him, and it was the easier, for, when Henry VIII. became king, for eighteen years of his reign he always showed great respect for the bishop, and sanctioned the apostolic freedom of his language.

But all this was changed when the suit was brought against the queen. We have seen how Fisher's noble protest in Catharine's favour was followed by Henry VIII.'s minute full of excessive polemical anger against his old adviser.

When the nun of Kent was prosecuted, the Bishop of Rochester was questioned as to his communica-

* See the end of chap. xviii.

tions with her; he refused to answer. A bill of attainder was launched against him. Cromwell caused a suggestion to be made that, if he would plead guilty and throw himself on the king's mercy, he might be pardoned. Fisher refused the dishonourable bargain; he wrote a very firm letter to the Lords, saying that he had not informed his sovereign of the visionary's language; first, "She spoke not of any violence to be offered to Henry, but of the ordinary visitations of Providence; secondly, because she assured him that she had already apprised the king of the revelation made to her." However, the bill was read a second and a third time in the House of Lords by a large majority, and Fisher was obliged to compound for a fine of three hundred pounds to the crown. When it was paid, he was set at liberty.

As to Sir Thomas More, perhaps he had done wrong in accepting the office of chancellor, which he had held for nearly two years; and we have seen that he resigned because he feared he might find himself committed to a religious policy irreconcilable with his conscience. He had retired to his country house at Chelsea, where he spent his life in his domestic cares, study, and prayer. He had distrusted the ecstatic Elizabeth Barton. He thought she was a pious woman, but ill and a prey to hallucinations.* He wrote several times about it to the king

* Lingard, vol. vi, p. 212.

and Cromwell. The Duke of Norfolk also warmly took the ex-chancellor's part, and he escaped criminal prosecution.

But a fortnight after the condemnation of Elizabeth Barton and her accomplices, April 13th, 1534,* Sir Thomas More and Fisher were called before the council at Lambeth, and asked whether they would take the new oath of succession. But the act contained a great deal more than appeared in its title. It declared that no power on earth could dispense with the prohibitions of the divine law, and that the marriage of Henry and Catharine had been from the beginning null and void.

More was introduced first, and offered to take the oath as concerning the succession alone, and excepting the other clauses contained in the act, for motives that prudence compelled him to suppress. "It was intimated to him that, unless he gave the reasons for his refusal, that refusal would be attributed to obstinacy. MORE: It is not obstinacy, but the fear of giving offence. Let me have sufficient warrant from the king that he will not be offended, and I will explain my reasons. CROMWELL: The king's warrant would not save you from the penalties enacted by the statute. MORE: In that case I will trust to his majesty's honour. But yet it thinketh me that, if I cannot declare the causes

* This was also nineteen days after the sentence given against the divorce at Rome.

without peril, then to leave them undeclared is no obstinacy. CRANMER: You say that you do not blame any man for taking the oath. It is then evident that you are not convinced that it is blamable to take it; but you must be convinced that it is your duty to obey the king. In refusing, therefore, to take it, you prefer that which is uncertain to that which is certain. MORE: I do not blame men for taking the oath, because I know not their reasons and motives; but I should blame myself, because I know that I should act against my conscience. And truly, such reasoning would ease us of all perplexity. Whenever doctors disagree we have only to obtain the king's commandment for either side of the question, and we must be right. ABBOT OF WESTMINSTER: But you ought to think your conscience erroneous when you have against you the whole council of the nation. MORE: I should, if I had not for me a still greater council, the whole council of Christendom." *

After this examination, at which More never ceased to show his ability and nobleness of mind, Fisher was called in, and he took up a similar position. He made no objection to the oath required of him as to the succession to the throne, since the right might be settled by the civil power; but, as to the doctrinal point, he asserted that the church alone was competent. He and More were both sent to the Tower.

A council was summoned to consider their fate.

* Lingard, vol. vi, p. 213. Note from More's works, pp. 1429, 1447.

There were two opinions as to it. Cranmer proposed that their oaths should be taken with the restrictions attached to it. In reality the concession they made, imperfect as it was, might have great advantages. Catharine at home and the emperor abroad would not be able to claim two high authorities against the rights of the new queen's children to the crown. Refusal of this partial submission to the bill by the Bishop of Rochester and the ex-chancellor was to make them reject it altogether. This opinion of Cranmer's was opposed by Cromwell, who, perhaps less politic, and certainly less merciful, desired to extract an unconditional submission, or to terrify their friends by punishing them with the utmost severity. Henry VIII. adopted this view.

The two distinguished prisoners were attainted, and lost all their titles and dignities, and were sentenced to confiscation of their property and imprisonment for life.

Sir Thomas More, thanks to the care of his daughter, Margaret Roper, was not left in want of the necessaries of life. Fisher, forbidden all communication from without and thrown into a damp dungeon, was obliged to ask Henry VIII. himself for some clothing, as his own had fallen to rags, and left him half naked in the cold and frost.

In the month of November following, the king's spiritual supremacy was proclaimed by act of parliament all over the kingdom of England. This new

legislation furnished the means of resuming, by implication, the criminal prosecution against the ex-chancellor and Fisher.

Magistrates and dignitaries of the church went down into the dungeon where the Bishop of Rochester lay. They promised him freedom and restoration to all his honours, if he would consent to take the oath of supremacy. Here there was no distinction to draw. Fisher repelled the tempters. He plainly answered them that the king could not be the head of God's Church.

On the 7th of May, 1535, Fisher was convicted of having said "maliciously and traitorously, the kyng, our sovereign lord, is not supreme hedd yn erthe of the Churche of Englande." He was found guilty on the evidence of persons sent by the council to discuss the question of supremacy with him. Paul III., successor to Clement VII., had named Fisher in a general promotion of cardinals before the report of his condemnation reached Rome. When Henry VIII. heard this, he let drop these words that cannot be read without shuddering, "Paul may send him a hat, but I will take care he have never a head to wear it on."

Fisher was condemned on June 17th, 1535, to the punishment of traitors, but this was not carried out to its full extent. The 22nd of the same month, the day he was to die, he took care to be dressed more carefully than usual, and, when asked why, he said

he hoped it was the day of his eternal bridal. As he was on his way to execution, the crowd of people delayed his progress for some time. He made use of this opportunity to consult the Bible, opening it by chance, and praying to God to let him find in Holy Scripture, at the moment of his death, the consolation he had always drawn from it all the days of his life. He fell on the following passage, "This is eternal life that they might know Thee the only true God, and Jesus Christ whom Thou hast sent."—St. John, xvii, 3.

He expressed great satisfaction at having met with a text that seemed to justify him for having preferred, before his king on earth, his king in heaven,—the real king of eternity. So he went on repeating and meditating on these beautiful words. On the scaffold he chanted the Te Deum, and when he had done his head was cut off.*

All Henry VIII.'s old affection for the Bishop of Rochester had turned into deep, implacable hatred. He was not content with the execution, but pursued his vengeance beyond death, giving orders that the body should be exposed naked all the rest of the day to the insults of the people.† Thus did he wash away his old respect for this saintly bishop.

Sir Thomas More had avoided committing himself

* See Histoire d'Angleterre, by the Protestant refugee, M. de Larrey, vol. i, p. 309. Rotterdam, R. Leert, 1697, dedicated to William III.

† Mortui corpus nudum prorsus in loco supplicii ad spectaculum populo relinqui mandaverat. Polus, Apolog. ad Car., p. 96.

on the burning question of Henry VIII.'s supremacy. In a long indictment he was accused, among other charges, of having encouraged Fisher in his resistance. He clearly proved in his defence that he had neither written to him nor sent him any message on this matter. Thinking the case desperate, the solicitor-general, Rich, requested to be heard as a witness. He declared that More had told him "the Parliament cannot make the king head of the Church, because it is a civil tribunal, without any spiritual authority."* More denied saying this, because he did not trust Rich, and had only answered him by silence. But even this silence seemed to be a mark of high treason. After a short deliberation the ex-chancellor was found guilty.

More requested to speak, and, after some objection, was allowed. He said that he had not before expressed his opinion, "lest he might appear to be wantonly courting his doom; but he now said he never could find that a layman could be head of the Church.

"This further only have I to say, my lords, that like as the blessed Apostle, St. Paul, was present and consenting to the death of the proto-martyr, St. Stephen—and yet they be now twain holy saints in heaven—so I verily trust that we may hereafter meet in heaven."†

* Lingard, vol. vi, p. 223.

† Lord Campbell's Lives of the Chancellors, vol. i, p. 584.

As he left the bar to return to the Tower, his son kneeled to ask his blessing. His daughter followed the guard, and twice made her way through them to kiss him and weep. The people were much distressed when they saw this venerable old man, with white hair, leaning on his staff, walking with difficulty through the most crowded streets of the City. Prejudice was silenced by mercy, and sympathy supplanted hatred.

When he reached the Tower he was informed that Henry VIII., as a special favour, had commuted the punishment of traitors into decapitation, when he expressed a hope that none of his friends might experience a like mercy from the king.

He mounted the scaffold with the same serenity and resignation. Being allowed to address the people, he only said he died faithful to God and the Church.*

Certainly More and Fisher are two noble characters, but there are differences between them. When prosecuted for treason, the Bishop of Rochester considered that any defence would be useless and undignified. He would not plead for his life with judges whose votes were already sold to tyranny. He was a saint who calmly went to meet martyrdom.

The attitude of Sir Thomas More was not the

* This was not all the blood shed at this time for the same cause. The priors of the three charter-houses of London, Axiholm, and Belleval were executed, Reynolds, a monk of Sion, and a secular clergyman, also three monks of Sion. Lingard, vol. vi, p. 218.

same; less heroic, no doubt, especially at the beginning, it was that of a conscientious but clever lawyer, defending himself foot by foot against treacherous accusations and infernal plots. The mission he had to fulfil was to illustrate in his person the violence of his country's laws, and the scorn of fundamental principles, considered by the English to be the most sacred of their constitution.*

With them the home, the hearth of the head of the family was guarded by special rights. The threshold of a free man could not be crossed without his leave; the Englishman's house was a castle, and social justice itself paused before this fortress, and had no right of entry.

Well, there is an asylum still more inviolable than a man's house, there is a sanctuary so impenetrable that even the power of the Cæsars must respect it; this asylum, this sanctuary, is conscience.

Sir Thomas More believed that his thoughts were out of reach of attack if they remained confined to his own home. In this wide and high meaning did he understand domestic right. With all the resources of a lawyer, he had kept himself within the bounds of strict legality. But there is a kind of government under which silence becomes a crime, and it is rebellion to hold the independence of belief even in secret.

* See vol. i. of an Histoire du droit criminel des peuples modernes, pp. 94, 95, et seq. The violation of certain rights was punished by the outlawry of the guilty.

This independence seems to be a tacit protest; and apostacy in power, having the control of force and authority, cannot forgive it; especially imperious, and implacable in its proselytising, it will never admit innocence but in accomplices.

When More and Fisher perished on the scaffold, there was a sort of amazement in England; but complaints were only under the breath. On the Continent there was a noisy and unanimous explosion of public indignation. It found vent not only among the learned Catholics, but among the educated of all shades of opinion, and echoed throughout Christendom.

CHAPTER XXIV.

Pretended Conspiracy of Catharine—Visit of two Bishops or Commissioners of Henry to Bugden—Requirement of the Oath—Resistance of Catharine and her Servants—Arrest of her two Chaplains—Touching Letter to the King—She only obtains a Portion of her Request—She objects to residing at Fotheringay, and prefers Kimbolton—Her Distress and Tears—A Labourer's Generosity—Catharine's Letter to Father Forrest—His Answer—Henry VIII.'s Commissioners.

A MODERN historian, who is regarded as a highly graphic writer, but who is partial and impassioned, Froude, ventures to accuse Catharine of having, together with certain monks, originated a dangerous conspiracy against Henry VIII. "The innocent saint at Bugden was the forerunner of the prisoner at Fotheringay." *

The memory of the illustrious prisoner, Mary Stuart, has been vindicated by Wiesener, De Chantelauze, Gautier, &c. It would be easier† still to justify Catharine, if need were. Froude is condescending enough to excuse the supposed plots of

* Froude, vol. ii, p. 173. † Far easier. (Ed.)

Catharine and her daughter Mary; he says, "Most naturally blending their private quarrel with the cause of the Church." *

Catharine requires no such excuses. It is plain that Henry VIII.'s counsellors tried to impute an air of conspiracy to the noble resistance of the queen and her household.

During the course of the summer, the queen's residence had been transferred to Bugden, a country house belonging to the Bishop of Lincoln. It was there that, "when one of her gentlewomen began to curse the Lady Anne Boleyn, she answered, 'Hold your peace. Curse her not, but pray for her; for the time will come shortly when you shall have much need to pity and lament her case.'"

At Bugden the queen seemed gradually to recover her usual cheerfulness and peace of mind, but the tranquillity of her retreat was disturbed by the visit of Archbishop Lee and Bishop Tunstall. The two prelates began by reading her the articles whereby she was enjoined not to consider herself anything but Prince Arthur's widow, and no longer to bear the title of queen, and, as they report to Henry, "for that your highness was discharged of that marriage made with her, and had contracted new mar-

* Page 172. But he allows a little further on, "The scheme, in the form it had so far assumed, was rather an appeal to fanaticism than a plot which could have laid hold of the deeper mind of the country.

riage with your dearest *wief*, Queen Anne—and fair issue has already sprung of this marriage." Catharine's patience at last gave way; she replied, with evident anger, "she would never quit the title of queen, which she would persist to retain till death, concluding with the declaration that she was the king's wife, and not his subject, and therefore not liable to his acts of parliament." Thus in this kingdom, where everything bowed beneath the tyranny of Henry VIII., his wife continued almost singly to resist his will, depending on her rights as wife and queen.

The commissioners ordered that the members of the household should take the oath not only to Henry VIII. but to the new queen, Anne Boleyn, as ordered in the new act, known as the bill of the six articles. The queen rose from the couch she was resting on, and dragged herself to the hall where all the persons in her service were assembled, and, with regal dignity, she forbade them to take the oath to any but the king and herself. Then the commissioners inquired whether Catharine's spiritual advisers had fomented this spirit of rebellion and sedition in her. Her two chaplains, Abel and Parker, were pointed out to them, and were called before the commissioners to be questioned; these worthy priests declared that, in their eyes, this pretended rebellion was only legitimate resistance, and that they had not and would not be able to discountenance it, for

they considered Catharine of Aragon to be the only real and true Queen of England.

This was a bold reply, and they were both arrested, but Parker was presently released, and resumed his duties as almoner to Catharine. Abel was thrown into prison, and reserved, like Father Forrest, for the death of a traitor.

Sir Edmund Bedingfield was appointed governor of Catharine's household. A guardian or gaoler, under another name.

Henry VIII. was enraged at Catharine's obstinate resistance, and chose to punish her through her daughter; so he did not allow the Princess Mary to visit her mother, and declared her incapable of succeeding to the throne of England, as not born of a lawful marriage.

The unhappy queen at the same time saw that any mark of interest shown towards herself or her cause would be severely punished. It was for making use of expressions of that kind that ladies of the highest rank, such as the Duchess of Norfolk and the Countess of Rochford, were arrested and sent to the Tower, when Henry VIII. said that he would leave them time enough to reflect upon the rashness of their speeches. A more serious matter was the prosecution of More and Fisher, and their conviction and execution. Nothing could have wounded Catharine more than the death of the Bishop of Rochester, formerly her spiritual director, whom she loved as a

friend and worshipped as a saint. No wonder, then, that sore grief vexed Catharine's heart at Bugden, and that traces long remained in this residence where she suffered so much, but was not to die. A contemporary says:

"There was in the said house of Bugden a chamber with a window that had a prospect into the chapel, out of the which she might hear divine service. In this chamber she enclosed herself, sequestered from all other company, a great part of the day and night, and upon her knees used to pray at the same window, leaning upon the stones of the same. There were some of her gentlewomen which curiously marked all her doings, who reported that oftentimes they found the said stones where her head had reclined wet, as though a shower had rained upon them. It was credibly thought that, in the time of her prayer, she removed the cushions that ordinarily lay in the same window, and that the said stones were imbrued with the tears of her devout eyes, when she prayed for strength to subdue the agonies of wronged affections."*

And yet she wished to live for her daughter's sake. In a private communication to the king she begged him to leave with her not only her confessor, but also her physician and *potecary*, two men-servants, and as many women as it should please the king's grace to appoint; but at the same time she declared that she

* Miss Strickland, vol. iv, p. 141, from Harpsfield, p. 200.

would only keep those persons near her who had taken oath only to the king and herself, and to "none other woman." This reservation was caused by the form of oath required of the servants. "Ye shall swear to bear faith, troth, and obedience only to the king's grace, and to the heirs of his body, by his most dear and entirely beloved lawful wife, Queen Anne."

"As to my physician and potecary," continues Queen Catherine, "they be my countrymen; the king knoweth them as well as I do. They have continued many years with me, and have (I thank them) taken great pains with me; for I am oft times sickly, as the king's grace doth know right well. And I require their attendance for the preservation of my poor bodie, that I may live as long as it pleaseth God. They are faithful and diligent in my service, and also daily do they pray that the king's royal estate long may endure. But, if they take any other oath than they have taken to the king and me (to serve me), I shall never trust them again, for in so doing I should live continually in fear of my life with them. Whereupon I trust the king, of his high honour and goodness, and for the great love that hath been betwixt him and me (which love in me now is as faithful to him as ever it was, so take I God to record!), will not use extremity with me, my request being so reasonable."*

* Miss Strickland, vol. iv, p. 146. The papers are damaged by fire.

Only a portion of Catharine's reasonable and natural request to the king was granted, though made in such humble and gentle terms. Her confessor, Abel, who was quite conversant with her native language, Spanish, was not restored to her. It is true that her physician and potecary were left to her, and an old priest named Allegua, and designated as Bishop of Llandaff, because the old man was timid and quiet, and always imploring Catharine to yield to expediency. And she was allowed to keep some of her servants and several women.

Henry VIII. did not believe that Catharine was conspiring against him, but that did not prevent his taking insulting and useless precautions. She would have liked to have been assigned a residence more healthy than Bugden, and nearer to her daughter. Taking no account of this desire, Lord Sussex came from the king with an order that she was to go at once to Fotheringay, a place already noted for its malaria, arising from the miasma of the marshes. "Against all humanity and reason," says Sussex, "she still persists that she will not remove, saying that, although your grace have the power, yet ne may she, ne will she go, unless drawn with ropes." And the noble lord asked directions what to do if she took to her bed, and said she was ill.

Thomas Vaux, one of the queen's officers, and a spy of Cromwell, sent information that Catharine did not care to remain at Bugden, but would like to

live in one of her dower houses. At last she consented to take up her abode at Kimbolton, though she thought the air of that residence was not very good for her health, from its excessive moisture.

Though she made this concession, the Duke of Suffolk treated her with such insolence that she felt obliged to turn him out of the room.

When she took up her abode at Kimbolton, in the beginning of the year 1535, she very soon saw that the little comfort left her at Bugden was much reduced. As Prince Arthur's widow, she had a right to five thousand pounds a year. But she was very irregularly paid by Sir Edmund Bedingfield during the long sickness that preyed upon her all the time of her stay there. She writes that she was absolutely in want of money for her household expenses. This was known in the neighbourhood, and there is an instance that shows how much disposed the people around were to help her.

A labourer of Grantham, near Kimbolton, found a great pot of brass, containing a helmet of pure gold set with jewels, and chains of gold, with some old defaced rolls of parchment. He at once took this little treasure to Queen Catharine. But she was already dangerously ill in bed, and the present the good man wished to make her was intercepted, and fell into the hands of Henry VIII.'s agents.*

About the same time, Catharine heard that Father

* Harpsfield, p. 137.

Forrest, her old confessor, who had been arrested on suspicion of high treason, had been thrown into Newgate prison, and associated with the vilest criminals. He would have been released, if he would have sworn to the act of succession, but he absolutely refused, and was subjected to twice as much severity.

Greatly troubled at the information she received of the torments inflicted upon her spiritual father for no crime but fidelity to her, the queen sent him a letter full of fervent piety and tender reverence for the confessor of the faith; and it breathes at the same time the accent of ineffable sadness which recalls the sorrows at Calvary.

The letter and reply are to be found in the pages of Sanders, no doubt preserved and communicated to him by the English Jesuits. In the end of the reply, Forrest says he has only three days to live; but that was not so—he was not to suffer martyrdom so quickly—and death seemed only deferred in order to prolong his sufferings. He was spared none of the horrors of the punishment, being burnt alive.

The king had some notion that secret communications were established between Catharine and some of her old servants; he was enraged at it, and sent commissioners to Kimbolton to seize the letters, or even persons who might be hidden there. These agents did their work with such brutal violence that

the scene must have shortened the queen's days.*

Thus do the servants of princes, in the belief that they are making themselves acceptable to their masters, often exceed the orders they have received. Absolute kings ought to know that they are generally too well served by their subordinates, and they ought to moderate, and not stimulate, a zeal that may throw terrible responsibilities upon them, and ruin them for ever in the judgment of history.

* This appears from a letter written to Father Forrest by one of Catharine's ladies, Elizabeth, Lady Hammond, whom Polino, in his Italian Chronicle, calls Lisabetha Aumonia. See Polino, pp. 126, 129, and Miss Strickland, 2nd ed.

CHAPTER XXV.

I. Letter sent by Catharine from Kimbolton to Henry VIII.—Her last Illness—Visit of her early Friend, Lady Willoughby—Eustace Chapuys, the Spanish Ambassador, obtains an Audience of the Queen—Her last Wishes—Henry VIII. does not respect Them, or pay her Legacies—He puts on Mourning for Catharine, as his Sister-in-law—Anne Boleyn refuses to wear it.

II. Portrait of Catharine—Justice done to her Character by Shakespeare—Appreciation of M. Rio.

I.

WHEN Catharine believed herself to feel the approach of death, she wrote to the king in most moving language to beg him to allow her daughter to have a short interview with her, and receive her last blessing. This favour was mercilessly refused. Shortly before her death, she summoned one of her servants to her bedside, and dictated to him the following letter:

"My Lord and Dear Husband,—I commend me to you. The hour of my death draweth fast on, and, my case being such, the tender love I owe you forceth me with a few words to put you in remem-

brance of the health and safeguard of your soul; which you ought to prefer before all worldly matters, and before the care and tendering of your own body, for the which you have cast me into many miseries, and yourself into many cares. For my part, I do pardon you all, yea, I do wish and devoutly pray God that He will also pardon you.

"For the rest, I commend unto you Mary, our daughter; beseeching you to be a good father unto her, as I heretofore desired. I entreat you also in behalf of my maids, to give them marriage portions; which is not much, they being but three. For all my other servants I solicit a year's pay more than their due, lest they should be unprovided for.

"Lastly, do I vow that mine eyes desire you above all things." *

This letter was received by Henry on December 15th, 1535. It is said he had tears in his eyes when he read it, and that he sent a messenger to Kimbolton to carry a loving message to his repudiated wife. A copy was given to the Spanish ambassador. It was little for the king to do, but perhaps it was a good deal for this forsaken soul, so used only to meet with a repulse where she should have found help and support. If it was not a very decided sign of sympathy, it was at least a last token of his existence that Henry gave her.

* Miss Strickland, vol. iv, p. 149.

Proofs of more devoted affection and sweeter consolations remained for Catharine in her last moments.

Among the ladies Catharine had brought with her from Spain was Doña Maria de Salazar, who had married Lord Willoughby.* She had never ceased to keep up a communication with her distant relation, the unhappy queen. Her consent to pay but very few visits, according to the king's desire, was very likely intended to secure admission at the last. As soon as Lady Willoughby was informed of the queen's danger, she did not waste a moment, or lose time by asking for a fresh royal permission, as it might have been refused. She mounted her horse, although it was very cold, snowing, and the roads bad. A short distance from Kimbolton she had a fall, but mounted again at once, and valiantly pursued her way. She arrived at six in the evening, when it was dark, covered with mud, and very weary. Governor Bedingfield began by asking her if she had a written permission to visit the Princess Dowager, for such was the official title of Catharine. She answered that she would get leave afterwards, but in her present condition her chief need was to get warm herself, and arrange her dress. After resting a little, she insisted on being conducted to the queen's bedside. Bedingfield did not dare to

* She had become a widow at the age of twenty-seven, and so was mistress of her actions, when she paid her bold visit to Kimbolton.

refuse. This was the 1st of January, 1536. No doubt she wished Catharine a happy New Year, not to be spent on earth, but in heaven. Meanwhile she poured a little balm upon the cruel wounds. She spoke to the queen in Castillian, their native tongue, not understood by the other women present. They must have exchanged some sweet recollections of youth and home, like a beam of Spanish sunshine come to brighten the deathbed.

Eustachius Capucius, or Chapuis, the Spanish ambassador, reached Kimbolton next day, January 2nd. He had his permit in form, and penetrated without difficulty to Catharine's chamber, where he remained about a quarter of an hour. Bedingfield was with him, but did not understand the talk of the queen and the ambassador, as he knew no Spanish.

Lady Willoughby had no permit to show. But she had managed to secure her place by Catharine's bed, and would not be removed till she had closed the eyes of her royal friend.

For three or four days more Catharine was perfectly conscious. She thus was enabled to receive the last sacrament with great fervour. For a short time her physician entertained hopes, but the improvement was transitory. On the morning of January 7th the breathing became laboured, the tongue swelled; extreme unction was administered at about ten o'clock. At two in the afternoon the queen breathed her last in the presence of Eustace Chapuys and Lady Wil-

oughby. As Harpsfield well says, "She changed this woeful, troublesome existence, for the serenity of the celestial life, and her terrestrial ingrate husband for the heavenly spouse, who will never divorce her, and with whom she will reign in glory for ever."

Catharine's will shows how carefully she kept her accounts. She forgot none of her little current debts, not even her laundress's. And she also left several legacies that show her piety and gratitude to those who had been faithful to her.*

She desired to be buried in the convent of the reformed Franciscans; and expressed a wish that one of her friends should go and pray for her soul in the chapel of Our Lady of Walsingham, and be desired to distribute twenty nobles to the poor for her.

It is almost inconceivable that, when Henry heard the will, his first thought was how to prevent the execution of the last wishes of this woman he had pretended to respect, and whose letter had made him shed some tears! Since he had become suspicious and cruel, this king, once so generous and chivalrous, had turned mean and avaricious, like his father. So

* She desired that her state dresses, left in her husband's hands, should be made into church vestments; she desired Henry VIII. to give the necklace she brought from Spain to her daughter. There was mentioned in it every one of her good servants and friends. Mistress Blanche £100, Mistress Margery £40, Mr. Whyller £40, Mistress Mary, her physican's wife, £40, to her physician himself a year's salary, to Francis Philipp, the faithful messenger who took her letters to Spain, £40, to each of the "little maidens" £10. See the text in Miss Strickland, vol. iv, p. 151.

he sent for the lawyer Rich, and asked him if he could not seize upon Catharine's furniture and wardrobe, without settling her debts or paying her legacies. Now, though it appeared that the sum she left in her coffers would not have been enough to satisfy the terms of her will, there was five thousand pounds in arrear upon her dowry, much more than the amount of which she had wished to dispose. And there was no account taken of the jewels and other treasures she had brought from Spain. "Such dishonesty appears the more intolerable."*

Rich's letter to Henry from Kimbolton is as follows:

"To seize her grace's goods as your own would be repugnant to your majesty's own laws, and I think, with your grace's favour, it would rather enforce her blind opinion while she lived than otherwise," namely, that she was the king's lawful wife. He then puts the king into an underhand way of possessing himself of poor Catharine's spoils by advising him to administer, by means of the Bishop of Lincoln, for her as princess dowager, and then confiscate all as insufficient to defray her funeral charges.†

Henry adopted this abominable expedient, and so avoided paying Catharine's legacies.‡ Nor did he pay any more regard to her last wishes as to her burial place; she was interred, not in the convent of

* Miss Strickland, vol. iv, p. 152. † Miss Strickland.
‡ Mrs. Darell was paid. Miss Strickland.

the Franciscans, but the Abbey of Peterborough, and no thought was given to the prayers she had desired at the shrine of Our Lady of Walsingham.

Henry VIII., however, had a funeral mass celebrated at Greenwich for the repose of the soul of his *sister-in-law*, the *Princess* Catharine. He was present dressed in mourning, and ordered all the Court to follow his example. Catharine's holy and beautiful end was much spoken of, the conclusion of an admirable life. What trials and sorrows had she not experienced in this life as a queen!

II.

BORN under the brilliant sky of Andalusia, passing her earliest years amid the splendours of Isabella's Court, this princess had scarcely passed beyond childhood before her lot was cast in a far different spot, not only to endure the fogs of England, but, after Prince Arthur's death, she had to undergo the capricious and uncertain moods of King Henry VII., who reduced her to moral and physical distress, and clouded the fairest years of her youth with most tyrannical acquisitions. Her riper years had still more bitter agonies in store for her. The material privations she had to undergo towards the decline of her life were as nothing compared with the most acute anguish that could poison married life.

Yet besides her great qualities, she is shown to have had those of a domestic and accomplished

woman. A Protestant writer says,* "She loved work and quiet, and took great care of her house; her gentleness was invariable, and she showed the most perfect obedience to her husband." Her heart was also most charitable, warm, and tender, and, as we have seen, excited almost fabulous devotion even to the last moments of her life. It is remarkable how she managed to preserve her self-possession in the most difficult circumstances. In her words, in her actions, in her letters, is always to be found the simplicity that is a mark of real greatness. At certain times she becomes sublime, quite naturally, and without effort; it is only the spontaneous expression of her inner thoughts. She made a point of claiming the prerogatives of her rank to the very end, and not allowing a single one to be invaded. Her modest abode became a kind of little independent state within great England, where she could preserve all the majesty and inviolability of her crown. It was the will of heaven that she should pass her life without reproach, and even without suspicion. There was never the least failure in this pure and great soul. The king's desertion was to remain without pretext or excuse.

There was mourning all over the Continent when the death of the daughter of Isabella of Castille, the real Queen of England, became known. The learned composed prodigious eulogies; many preachers made

* Larrey.

funeral orations. Even the very Protestant writers who were the apologists of Anne Boleyn never venture to assume the part of detractors of Catharine.

In England the people lamented for this good queen, and never ceased to pity her as being unjustly divorced and persecuted. Round her last moments there arose one of those legends that crown some heads with a mysterious halo, a kind of popular consecration that nothing can prevent, neither the triumph of the adverse cause nor the pressure of suspicious despotism.

These traditions were kept up in families in after generations, and Shakespeare gave them an eloquent shape. In his play of "Henry VIII.," the queen is presented dying like a saint. And the English poet, in verses as vigorous and lofty as the most beautiful lines of Dante, describes a celestial vision as sent to the queen in her last hour; she is suddenly roused from stupor with her attendants round her, and exclaims,

> "No? saw you not even now a blessed troop
> Invite me to a banquet; whose bright faces
> Cast thousand beams upon me like the sun?
> They promised me eternal happiness,
> And brought me garlands, Griffith, which I feel
> I am not worthy yet to wear: I shall
> Assuredly."
>
> *Henry VIII.*, Act 4, Scene 2.

A modern author says, "She draws this assurance from the increasing peacefulness that her reconcilia-

tion with her two great enemies gives her in the sight of heaven. She wins her greatest victory in forgiving Wolsey, and sends her blessing to Henry VIII. before her death . . . alas! the most unproductive blessing that ever was.*

Shakespeare wrote under Elizabeth,† Anne Boleyn's daughter, and had his play acted before that proud queen; a courtier poet—and there were many at that time who might have been unjust to Catharine and favoured her rival—the great tragedian in his integrity is honourable enough to remain firm and inflexible like history. When genius thus comes to the support of truth and virtue, it nobly performs the task set by Providence.‡

* Larrey, p. 236.

† M. Rio has, we think, conclusively proved that the fifth act of this play, full of incense offered to Elizabeth, is not from Shakespeare's hand, and was added subsequently. His demonstration is to be found in his works. A vulgar *impressario* would have fancied that this mercenary eulogy would pass and get pardon for the rest of the piece.

‡ The divorce caused £22,000 of secret service money to be expended. Historical Portraits, Burke, vol. ii, p. 56. (Ed.)

CHAPTER XXVI.

Salutary Fear and wise Reflections of Anne Boleyn—Beginning of Conversion—This Conversion is only Superficial—She becomes jealous of Jane Seymour—A Violent Scene with the King, and the Consequences—Coolness and Jealousy of Henry VIII.—He appoints a Commission of Inquiry—The Tournament at Greenwich; great Imprudence of Anne Boleyn—Her Arrest—Her father and uncle among the Commissioners, but her father only sits on the Trial of the supposed Accomplices—He is excused when Anne is brought to the Bar—Anne's uncle, the Duke of Norfolk, presides over the High Court that finds her guilty, and he gives Sentence—Anne Boleyn shows proofs of Piety and Repentance—Her Spirit rises at the prospect and moment of Death—Indecent Joy of Henry VIII.

IT seems as if the history of Catharine of Aragon would not be quite complete without an inquiry into the causes of her rival's fall, and if we omitted to point out the justice of Providence as displayed upon Anne Boleyn.

In the autumn of the year 1535, when her daughter Elizabeth was growing out of infancy with every sign of good health, and she herself had hopes of giving Henry a male heir, Queen Anne, having

reached the summit of earthly prosperity, began to be alarmed at her own good fortune. She understood that to be worthy of it she must treat life more seriously, and raise her eyes to heaven. So far her life had only been one of pride, vanity, and revenge. She had been able to exercise these dread passions, and fully to taste this gratification. At last she seemed to perceive that the time had come for giving her soul more noble occupations and a higher aim. She was observed to avoid noisy pleasures, give up dancing and hunting, gather her women round her, and, like Catharine, join them in needlework.

She had persuaded the king to release Latimer, who had been under suspicion of Lutheranism, he being, in fact, full of the new notions of Reformation. He was appointed to preach at Court, and, far from paying in base flattery the price of the benefits he had received from the queen, he reminded her in his sermon of the vanity of greatness and the deceit of human hopes. Anne listened to him with an appearance of profound humility. Latimer, profiting by the opportunity, told her with the freedom of an apostle that it was not enough to preach good doctrines to those around her, but that she must join example to precept by reforming her life. Far from bearing a grudge at Latimer for the severity of his teaching, she made him her chaplain, and soon afterwards procured his nomination to the episcopal See

of Worcester. She made arrangements with him for giving help to the poor, and distributing abundant alms.*

But, as a Protestant author of our day points out,† "however powerful Anne's religious impressions might be, it is impossible that a real change of heart had taken place while she continued to incite the king to harass and persecute his forsaken queen." She knew how great was Catharine's popularity, and the unfortunate captive queen excited in her vague fears that mingled with remorse. When she was told that the prisoner of Kimbolton was dead, she cried out, with a triumphant but blind expression of delight, "Now I am at last a queen!" She was washing her hands in a rich ewer when Sir Richard Southwell came to give her the information, and she gave him the ewer, with its cover, very valuable, as his reward. Then she went to see her parents the same evening, and told them, with unconcealed delight, "Now the crown is fixed for ever on my head."

When the king went into mourning for Catharine, he told Queen Anne to do the same, but she not only did not hesitate to disobey this formal order, but even put on a yellow dress, and told her ladies to do the same.‡ Was there not in all this an almost

* In the last nine months of her life she spent £14,000 in charity.

† Miss Strickland, vol. iv, p. 251.

‡ Cardinal Pole says that she said of Catharine, "Doleo non quidem quod sit mortua, sed quod tam honesto generis obierit"—"I am sorry, not for her death, but because she died so well." Anne's fault in the

total absence of moral feeling? It may be observed that from this moment Henry VIII. began to cool in his passionate affection for her. Anne also, after Catharine's death, resumed her old frivolous and worldly habits of life. She thought she had no more need to be prudent.

Just at this time she had to endure sufferings of the same nature as those she had before inflicted on her excellent mistress. She soon found that she was supplanted in Henry's heart by Jane Seymour. The jealousy that the unhappy Anne experienced was the more poignant because combined with a sense of retributive justice; she saw with despair that she must in her turn drain the bitter cup with which she had poisoned Catharine's life.

One day, entering Henry's chamber unexpectedly, she found her fair rival sitting on the king's knee, and receiving most tender caresses. Struck with the sight as with a mortal blow, she could not restrain an outburst of grief and anger. Henry, who feared that this scene might be fatal to the hopes of offspring, did all he could to quiet her, but unsuccessfully. Anne could not bear such a shock to her mind unhurt, and was soon after prematurely con-

matter of the dress is excused by the pretence that, 1st, Henry VIII. had himself given Anne's attendants dresses of yellow silk; 2nd, that this colour was the customary colour of mourning at the Court of France. Miss Strickland shows that the first excuse is unfounded; and as for the second, white, and not yellow, was worn as widows' mourning by the Queens of France.

fined; her life was in imminent peril; she was almost dead, and gave birth to a stillborn son.

When the king was informed of the result, he never thought of giving her the least mark of sympathy, but roughly entered her room, and blamed her for the death of his son. Anne answered with more spirit than prudence that "he had no one to blame but himself for this disappointment, which had been caused by her distress of mind about that wench, Jane Seymour." Henry turned sullenly away, murmuring that "she should have no more boys by him." It was a dark and significent threat, and a kind of prologue to the drama that was to bring Anne Boleyn to the scaffold.

Soon after, it was the talk of markets and public places that there would speedily be a third queen.

Though she had experienced so severe a shock, Anne gradually recovered her health, but not her peace of mind. She endeavoured in vain to obtain the dismissal of her dangerous rival from the palace. The check must have shown her that she no longer possessed a real influence over the king, and that she must resign herself to see a new star eclipse her own. She fell into a black melancholy; she did not appear at the Court banquets; she strayed in sadness amid the darkest and most lonely thickets of Greenwich Park. The king had not forgiven her the hasty answer she had made to his unjust reproach. He shunned her in private and in public.

She was refused the pleasures of motherhood, that might have been her best consolation. Her daughter Elizabeth had been removed from her care and caresses, and placed with her nurse in a separate abode, on account of the state and ceremony that must surround the heir to the crown.

She had entirely alienated the good-will of her uncle, the Duke of Norfolk, by her carelessness and misplaced airs of grandeur and disdain; and had turned her old mistress, Mary, widow of Louis XII., into a declared enemy.

As even on the throne she had preserved her old coquetry, and the familiarity and boldness of her manners with men, she encouraged them all, not excepting the lowest officers of her household, to speak to her in an unsuitable tone of equality, and allow themselves great freedom of expression to her. She had such a thirst for general admiration that she even encouraged a man of such low station as the musician Smeaton to exhibit marks of the passion she inspired. All these little tricks were reported to the king, greatly exaggerated by the enemies who spied upon her all around.

Henry VIII. wished to escape a marriage bond that began to seem unbearable, and became more and more impatient to make the new object of his passion sharer of the throne. He was only too willing to hear and welcome serious denunciations, and even most absurd gossip, already making Anne its subject and victim.

Thus it was that he believed the public report, that named as her lovers, besides the musician Smeaton, three gentlemen of her household, Brereton, Weston, and Norris. He did not even reject a strange report that slandered the innocent affection of the queen for her brother, George Lord Rochford. This last calumny was, to a certain extent, supported by the evidence of Lady Rochford, inspired by her infernal hatred of her sister-in-law, and murderous jealousy of a husband who had been faithless to her in another way, so that she eagerly seized the chance of revenge.*

In the month of April, 1536, during the prorogation of parliament, a secret commission was directed by the king to inquire into the conduct of Anne Boleyn. It is fearful and shocking to find on this commission the names of the Duke of Norfolk, the queen's uncle, the Duke of Suffolk, the king's brother-in-law by his marriage with the Princess Mary, and even of Anne's own father, the Earl of Wiltshire.†

* Some years afterwards Lady Rochford was inculpated in the guilt of Catharine Howard, and condemned, like the unhappy queen, to be beheaded, confessed upon the scaffold that she was not guilty of the crimes she was condemned for, but had deserved to die for having borne false witness against her husband. The most she said against him as an actual fact was that she had seen Lord Rochford sitting on the foot of the queen's, his sister Anne's, bed; but she drew inferences that were very far-fetched and slanderous.

† The names of the members of this extraordinary commission are as follows: Sir Thomas Audley, Lord Chancellor, the Duke of Norfolk, the Duke of Suffolk, the Earl of Wiltshire, the Earls of Oxford,

This commission was to take informations concerning the four real or supposed lovers of the queen. It had been appointed on the 24th of April, and had not commenced its work when two events occurred most injurious to Anne Boleyn.

Two or three days afterwards, that is to say on the 27th or 28th, the queen saw the musician Smeaton leaning on the window of her presence-chamber in a dejected and melancholy attitude. She asked him why he was so sad.

"It is no matter," he answered. Then she said,

"You may not look to have me speak to you as if you were a nobleman, because you be an inferior person."

"No, no, madam," he replied, "a look sufficeth me."*

On the 1st of May following, Anne was guilty of a great act of imprudence with Norris, one of her admirers. She was present at a tournament at Green-

Westmoreland, and Sussex, Lord Sandys, Thomas Cromwell, Sir William Fitzwilliam, the Lord High Admiral, an old man whose career had been very brilliant; the Lord Treasurer, Sir William Paulet, afterwards Marquis of Winchester, and the nine Judges of the Courts of Westminster; Sir John Fitz-James, Sir John Baldewyn, Sir Richard Lister, Sir John Porte, Sir John Spelman, Sir Walter Luke, Sir Antony Fitz-Herbert, Sir Thomas Englefield, and Sir William Shelley. The part taken by Anne Boleyn's father will be seen afterwards.

* Some historians say that Smeaton had come to warn the queen of her danger, but that his foolish passion made him forget everything. See Lingard, Mackintosh, and Miss Strickland. It seems that Brereton, one of the gentlemen denounced to Henry, had just been arrested.

wich with her royal husband, richly dressed, and in all royal state. Lord Rochford was the chief challenger, and Henry Norris one of the defenders. All at once, in the middle of the splendid pageant, the king left his gallery with an expression of fury, followed by five or six of the officers in attendance. The spectators were astonished, and the queen especially seemed dismayed, and retired suddenly.

The reason for Henry's wrath was this. Either by accident, or on purpose, Anne had let her handkerchief fall from the gallery into the lists. Norris, warm with fighting, and being under the gallery, picked it up, kissed it fervently, and restored it to the queen on the point of his lance. This put the finish to the king's jealousy, previously awakened by perfidious suggestions. Rochford was arrested at the barrier; Norris, having refused to accuse the queen and himself, was sent to the Tower from Westminster. The same evening Mark Smeaton and Sir Francis Weston were committed to prison. Next morning, after breakfast, an officer came to Anne and said, "Madam, the barge is ready." She went at once, and they ascended the river in silence to the Tower. They met another barge containing the Duke of Norfolk, Cromwell, and the Lord Chancellor, Audley. The latter announced her arrest on a charge of adultery and infidelity to her royal husband. Anne clasped her hands and protested her innocence. The barge was brought to the stairs at the old Saxon

arch called the Traitor's Gate, and she was lodged in the same apartment she had occupied the night before her coronation.

During the second week in May juries were summoned from Middlesex and Kent; the indictment was prepared and read to the prisoners on the 11th of May.* The sitting of the court commenced on Wednesday, the 12th. At the first hearing the four supposed accomplices of the queen appeared—Sir Henry Norris, Sir Francis Weston, Sir William Brereton, and Mark Smeaton. All the commissioners we have mentioned were present, the Earl of Wiltshire among them, when the four prisoners were brought to the bar. Only one of them, Smeaton, acknowledged his guilt, for he had been made to expect mercy as the price of a confession. The other three pleaded not guilty. The verdict of the petty jury found them all guilty. Their finding was taken as a verdict, and was to supersede the necessity of strict legal proof.

The Duke of Norfolk had been appointed lord high steward, and as such presided on Monday, May 15th, over the court for the trial of Anne Boleyn and her brother, Lord Rochford. But four of the

* A few years ago there were found some dusty bags labelled, *Baga de Secretis*, and in them the names of the jurors of Middlesex and Kent, the text of the indictment, and the crimes laid to the charge of Anne Boleyn and her accomplices. The facts are stated, as well as the places and dates of the alleged commission of the crimes. Turner is the first author who has made extracts from the *Baga de Secretis*. Froude made a more minute examination and greater use of them.

commissioners who had sat before were not present on this occasion. They were Shrewsbury, Essex, Cumberland, and Wiltshire.*

The latter was therefore not summoned to try his own daughter, as has been supposed. But on the preceding Friday he had condemned Queen Anne's accomplices, and their conviction implied the unhappy queen's guilt; she could not be acquitted when the crimes attributed to Norris and the other three accused had been judicially proved. The cases may have been tried separately and successively, but they were substantially connected and indivisible.

Though the absence of the Earl of Wiltshire on the day of his daughter's trial is proved, there is no great reduction of the odium attaching to the despicable conduct of this unnatural father in a trial where his name ought not to have appeared. But, failing her father, Anne had to encounter her uncle, the Duke of Norfolk, who bore an implacable hatred to her. Among her judges there was also her old lover, Percy, Earl of Northumberland, but he fainted almost as soon as he took his seat; he was carried out, left the court, and died less than a year afterwards.

It must be allowed that Anne defended herself with considerable force and eloquence. The Court

* Froude, vol. ii, p. 494. M. Audin is therefore not quite accurate in the statement that the Earl of Wiltshire, within a few hours, condemned his daughter to be burnt alive and his son to be quartered.

was not open, but, though the audience were limited, their feelings were so strong as to transpire beyond its bounds, and penetrate the closed doors. It was even reported among the crowd which pressed around the chamber that the queen had made a triumphant reply to all the proofs of the indictment, and that her acquittal was certain. But the peers disappointed this public expectation; some under the influence of hatred, some of fear, they almost unanimously found Queen Anne and her brother, Lord Rochford, guilty.*

After the verdict, Anne was required to put off the marks of royalty; she did so without resistance or complaint, but vigorously maintained that she had not committed any of the crimes laid to her charge.

After she had undergone this kind of degradation from her royal state, her uncle, the Duke of Norfolk, as high steward, gave sentence upon her, to be burnt or beheaded at the king's good pleasure. At the mention of the stake, Anne grew pale, and for the first time showed signs of fear. But when the duke had concluded the cruel sentence she clasped her hands, and, raising them to heaven, made her appeal to the Judge of all. "O Father! O Creator! Thou who art the Way, the Life, and the Truth, knowest

* Miss Strickland, from Bishop Godwin. The Duke of Suffolk is said to have voted for acquittal; unanimity is not necessary in the Court of Peers as it is with a common jury.

whether I have deserved this death." Then, turning to her judges, she said, "My lords, I will not say your sentence is unjust, nor presume that my reasons can prevail against your convictions. I am willing to believe that you have sufficient reasons for what you have done, but then they must be other than those which have been produced in Court, for I am clear of all the offences which you then laid to my charge. I have ever been a faithful wife to the king, though I do not say I have always shown him that humility which his goodness to me, and the honour to which he raised me, merited. I confess I have had jealous fancies and suspicions of him which I had not discretion and wisdom enough to conceal at all times. But God knows, and is my witness, that I never sinned against him in any other way. Think not that I say this in the hope to prolong my life. God hath taught me how to die, and He will strengthen my faith. Think not that I am so bewildered in my mind as not to lay the honour of my chastity to heart now in mine extremity, when I have maintained it all my life long as much as ever queen did. I know these my last words will avail me nothing but for the justification of my chastity and honour. As for my brother and those others who are unjustly condemned, I would willingly suffer many deaths to deliver them; but, since it so pleases the king, I shall willingly accompany them

in death with this assurance, that I shall lead an endless life with them in peace." *

The Lord Mayor was present at the verdict and sentence of Anne Boleyn, and he said, some time afterwards, "he could not observe anything in the proceedings against her, but that they were resolved to make an occasion to get rid of her." As he was chief judge in the civic Court of Justice, his opinion is of importance. Camden says that all the spectators thought that Anne was not guilty.† It has been observed that one witness only deposed to a direct and precise fact against her, the musician Smeaton. And this witness, quite against all rules of criminal procedure, was not confronted with her.

On the next day the king signed the death-warrant of this woman who had been his beloved wife, and sent Cranmer to desire her to prepare for death. This visit of the Primate of Canterbury made Anne imagine that Henry would pardon her. She told those about her that she understood she was to be banished, and she supposed she should be sent to Antwerp. Possibly Cranmer had intentionally left her under this mistake, telling her that she had nothing to hope if she did not consent to the dissolution of her marriage, and the renunciation of all claim to the crown for her daughter Elizabeth.

* It is a foreigner, a Dutchman, Crispin de Misherve, who gives these words; he left a metrical version, falsely attributed to Marot, that is highly esteemed by Meteren, the historian of the Low Countries.

† Miss Strickland, vol. iv, pp. 274, 275.

Anne accepted the degrading act required of her without the smallest resistance, in hopes of redeeming herself from death.

On the ensuing day, May 17, Anne received a citation to appear before the archbishop's Court at Lambeth to answer certain questions as to the validity of her marriage with Henry VIII. A duplicate was served on the king, but he did not appear, and was represented by his proctor, Doctor Sampson. Though the ex-queen was under sentence of death, she was compelled to appear in person before the primate. She was taken from the Tower to Lambeth. For form's sake, two proctors were assigned to her, Doctors Walton and Barbour, who in her name admitted that before her marriage there had been a precontract with Percy, and this was one of Henry's greatest objections to the validity of his marriage with her.* This was another retribution of Providence on her who had so worked for the divorce of Catharine of Aragon; but that noble queen had never assented to the judgment which branded her and disinherited her daughter. Anne, passive and hanging down her head, accepted all the humiliations and forfeitures.

* Henry VIII. had suggested another, his previous connection with Mary Boleyn, Anne's sister, and that this had created an impediment to his marriage both by natural and divine law. This cause of nullity was also allowed. Burnet's Records, vol. xxvi; see also the histories of Lingard and Audin. Percy, on oath, denied that there had ever been any engagement or precontract with Anne Boleyn.

As a recompense for her compliance, the king did not grant her life, but excused the stake.

Most strange fact, and now incontestible, Anne Boleyn died a Catholic.* This enemy of the Papacy, in some ways its personal enemy, desired to confess to a priest in the Roman communion. Remorse and a wish for forgiveness brought her back to the Church's feet. Her conference with the priest is said to have been long; long indeed must have been the history of the guilty feelings and secret failings of this great sinner. But it seems that absolution was only granted her on condition of a moral reparation made to Catharine, who was no more, in the person of the Princess Mary, her daughter. So, when the priest had gone, Anne went into the chamber occupied by six ladies sent by Henry VIII. nominally to support and cheer her, but really as spies upon her. She took the Lady Kingston into her presence-chamber, and there, locking the door

* Miss Strickland relies for proof on two good authorities: Kingston, the lieutenant of the Tower, who in his letters to Cromwell formally attests this, and the other is Speed, who tells the following details on contemporary authority. Probably he heard it from Lady Kingston herself, and her evidence in this is very important. Miss Strickland is surprised at the unfavourable bias displayed by Roman Catholic accounts of the last moments of Lady Anne. But is not she herself too indulgent?

[It was by no means a strange fact. All Henry had done was to separate the jurisdiction of the Church of England from that of Rome. The doctrine was as yet untouched by authority, and though Anne Boleyn had accepted a copy of the English Bible, this did not make her cease to follow the ritual to which she had been brought up.] (Ed.)

upon them, willed her to sit in the chair of state. Lady Kingston answered that it was her duty to stand, and not to sit at all in her presence, much less upon the seat of state of her the queen. "Ah, madam," replied Anne, "that title is gone; I am a condemned person, and by the law have no estate left me in this life, but for clearing of mine own conscience. I pray you sit down." "Well," said Lady Kingston, "I have often played the fool in my youth, and, to fulfil your command, I will do it once more in mine age," and thereupon sat down under the cloth of state upon the throne. Then the queen most humbly fell on her knees before her, and, holding up her hands with tearful eyes, charged her as in presence of God and His angels, and as she would answer to her before them, when all should appear to judgment, that she would so fall down before the Lady Mary's grace, her daughter-in-law, and in like manner ask her forgiveness for the wrongs she had done her, for till that was accomplished her conscience could not be quiet.

Soon after, she said to Kingston, the lieutenant of the Tower, "Mr. Kingston, I hear that I shall not die afore noon, and I am very sorry, therefore, for I thought to be dead by this time, and past my pain." "I told her," says Kingston, "that the pain should be little, it was so subtle." And then she said, "I have heard say the executioner is very good, and I have a little neck," and put her hands about it,

laughing heartily. "I have seen men, and also women, executed, and they have been in great sorrow, but to my knowledge this lady hath much joy and pleasure in death," continues the lieutenant.

It must be said this gaiety is painful—a discord in such a death—but perhaps an excuse may be found in some estrangement of such a weak mind.*

The execution was fixed for May 19th. Henry VIII. ordered that it should take place on the green within the Tower. It was the first time in England that the blood of a crowned queen was to be shed upon the scaffold. Not a single instance is to be found under the Plantagenets, and they were not paragons of mercy. The age of chivalrous respect for the person of a queen, hitherto considered almost sacred and inviolable, had gone by. To the last moment of her life Anne protested that she had never committed a single act of conjugal infidelity.†

At the appointed time she mounted the scaffold with a firm step, attended by Sir William Kingston and four of her ladies. Among the chief personages come to behold this melancholy spectacle she recognised the Duke of Suffolk and Secretary Cromwell, whom she had formerly favoured very much, and whom she assisted to gain the favour of Henry VIII. She might also have seen the king's natural son, the young Duke of Richmond, who had no reluctance to

* Probably hysterical. (Ed.)

† Her innocence before marriage must remain matter of speculation.

gratify an unwholesome curiosity by coming to see how the unhappy lady would die who had only descended from the throne on the way to execution.

When she came to the scaffold, she turned to the spectators and said, "Good Christian people, I am come hither to die, according to law, for by the law I am judged to die, and therefore I will speak nothing against it. I am come hither to accuse no man, nor to speak anything of that whereof I am accused, as I know full well that aught I could say in my defence doth not appertain unto you. I pray God to save the king, and send him long to reign over you."

Covering her head, and confining her hair with a little linen cap, that the action of the sword might not be impeded, she said, "Alas! poor head, in a very brief space thou wilt roll in the dust on the scaffold;" then last words to the ladies that were with her, "Esteem your honour far beyond your life; and in your prayers to the Lord Jesus forget not to pray for my soul."

Mary Wyatt, sister of Sir Thomas, was there among the ladies who attended on Anne Boleyn. She alone followed her on to the platform of the scaffold. It is said she had brought a message from her brother, Sir Thomas. She showed her fidelity to this old attachment to the very last. Anne gave her prayer-book to this constant and devoted friend, as a token of thankfulness and last adieu.

Then the ex-queen knelt down, and, just as the executioner raised his arm, she only said, "O, Lord God, have pity on my soul."

The head fell at one blow of the sword, as Kingston had expected.

Henry was hunting near London when he heard the cannon-shot, arranged to be a signal of the death of her who had owed such various fate to him. He could not restrain an outburst of indecent joy. The rest of the day he spent in feasting. Next day he married Jane Seymour.

CHAPTER XXVII.

I. Spiritual Supremacy of Henry VIII.—Correspondence of Starkey and Reginald Pole.

II. Immediate Consequences of the Bill of Supremacy—Spoliation of the Monasteries, and Distribution of their Property to the Nobles or Gentry of the Counties, to Win them over to the new Schism—Use of Terror to intimidate the Court Nobles—Popular Rebellion stifled in Blood, after Lying Promises of Amnesty—Pauperism and Vagrancy repressed by hard and cruel Penal Laws.

III. Political Consequences of the Bill of Supremacy—Religious Consequences, and Possibility of the Return of an Anti-Christian Imperialism.

I.

IN the twelfth and thirteenth centuries there were a few examples given by kings of violation of the indissolubility of the marriage bond.* But these princes had no notion of abolishing the spiritual jurisdiction of the Holy See, and making themselves popes in their own states. In the sixteenth century, when heresy had raised the standard of religious revolt in Germany and the Low Countries, men's minds were everywhere prepared for the separation of princes and people from the head of the church.

* And a flagrant one much later in the person of Louis XII. of France. (Ed.)

Nevertheless, it took a king like Henry VIII., a logician and theologian, to understand that it would be to his advantage immediately to invent a new form of law for his own use, intended to cover nameless wrongs and inexcusable rashness.

The theory of the spiritual supremacy of the lay sovereign, as conceived by Henry VIII., was stupidly simple. It is entirely contained in the few lines that serve as a title to Richard Sampson's treatise on this supremacy, a treatise approved by the king's privy council on December 2nd, 1533, and serving to expound the reasons for a bill brought in to the English parliament on this matter.

"The discourse of Richard Sampson, Dean of the Chapel Royal; in which he teaches, exhorts, and admonishes all, especially the English, to obey the king's majesty in the first place, because the Word of God orders it; not to be obedient to the Bishop of Rome, who has no power over them by any divine right, because the king orders them not to obey him. Those who act otherwise he teaches especially that they are despisers of divine law. There is therefore no reason why the English should have a fear of any human authority of the Bishop of Rome; for he has no other authority over the English than human, that is by man's consent; let them, therefore, obey God, not man. This is the truth established by God." *

* Latin.

And we should say that it is just the contrary to the truth established by man. It is at least strange to maintain that spiritual jurisdiction only appertains to the pope by human right, while it appertains to a temporal prince by divine right.

Well, this wager against good sense was actually won by Henry VIII. by means of his tyranny and the terror he spread around him.

Yet his conscience was exercised by doubts and secret remorse, more real than his pretended scruples concerning his first marriage, without his choosing to allow them to himself. And he desired to quiet this remorse by trying to lean on the assent given to his doctrine of the supremacy by the most respected men in England.

It may well be supposed that Henry VIII. was much pleased with Doctor Sampson's treatise. More, Fisher, and some priests and strict monks had resisted these theories. Parliament was in haste to adopt them, and, in a bill of unheard-of severity, declared anyone who should deny the king's spiritual supremacy to be guilty of high treason. But that was not enough for Henry VIII. He wished to win over to his side the young Reginald Pole, who several years before had declined to admit the principle of the legality of the divorce when it was under consideration, and after that time had prudently left his country, and lived in Italy, out of reach of the new English criminal code.

The king had not ostensibly withdrawn his countenance from him, and permitted him to receive the emoluments of his deanery of Exeter; he had even excused him the oath that all holders of benefices were required to take to the issue of Anne Boleyn. He wished to know Pole's feelings on the point of supremacy, and even of the divorce, now it was an accomplished fact. For this purpose he turned to Starkey, his almoner, intimate with the young priest, and Starkey told him that his friend had always preserved an absolute silence with him on that matter. Henry pressed him to write to Reginald Pole, as his talents would be valuable when employed in defence of the supremacy, if he were favourable to it.

By the king's orders Starkey wrote a long letter to Pole, and at the end assured him that the king never intended to part from Rome on points of doctrine, and had no desire to make innovations in religious form and ceremony. Otherwise he said he would never have entered his service.

Pole's reply did not come for two months; to excuse the delay he wrote that Starkey's letter had reached him by way of Florence, and had been very long on the road. He promised that he would make a careful study of the questions addressed to him from the king, and would answer them clearly and distinctly, without circumlocution or dissimulation.*

* Evidently Pole only wished to gain time, and, by not allowing his

Meanwhile some Carthusians and priests had been executed for having refused to subscribe to the doctrine of royal supremacy. When Starkey wrote again to Pole, he was desired to explain these facts to him, as they might have been presented in a false light. The worthy almoner of Henry VIII. says it is quite plain the Carthusians were put to death for having asserted that the pope's supremacy was an essential article of the Catholic faith, contrary to the act of Parliament lately passed, branding denial of the king's supremacy as high treason. So they had to suffer the punishment of traitors, that is to say, were hung, drawn, and quartered, not for any point of religion, but for contravention of the act of Parliament. Was this explanation made to Pole's satisfaction? We doubt it very much.

This letter crossed one of Reginald Pole's, promising that he would soon send his opinion, drawn at length, and with authorities on the questions of the supremacy and the divorce. Then ensued more pressure from Starkey, and a short answer of Pole's, saying that he was consulting and studying the Holy Scripture, as its authority is above that of man.

The learned editor of this correspondence, hardly published a year ago,* very gratuitously supposes

opinion to transpire, endeavoured to produce the greater effect on the mind of Henry VIII. when he should send him his tract that was in preparation, "De Unione Ecclesiasticâ."

* Among the last works published by the Early English Text Society,

that Pole, before committing himself to anything decisive in favour of either king or pope, wished to know which of them would recompense his assent and services the best. Pole, as we have seen above, had told Henry to his face what he thought of the divorce. As he grew older he had not changed his opinion on this point; at Rome and in Italy he could not have learnt to love the doctrine of the temporal supremacy of kings. It was the restoration of Pagan imperialism, when the emperor was also high priest.

Pole worked a long time afterwards in great secresy at his treatise, "De Unione Ecclesiasticâ," and he addressed it to the king on May 29th, 1536, with a letter in courteous and deferential tones, at variance, it must be said, with the harsh language of this celebrated treatise.

When Pole was blamed for the vehemence of his personal attacks upon Henry VIII., he replied that tenderness had not been successful with that prince, and that he thought it his duty to exhibit the naked truth to him, thinking that a faithful image of himself might shock him, and make him retreat sooner or later. It must also be remembered that Henry VIII. had entered upon his course of persecutions and cruelties, and was too unsparing of his adversaries to deserve mercy himself.

Mr. Sidney Heritage has brought out this work, with full luxury of type and erudition. See England in the Reign of Henry VIII., vol. xxxii, extra series, Starkey's Life and Letters. London, Trübner, 1878.

It was afterwards imputed as a crime to Pole that he had published this treatise. He replied that he had written it for the king alone, and would not have had it printed, had not an incorrect edition appeared in German, from some manuscript leaves no doubt stolen from him by a faithless scribe.

Henry VIII. restrained his anger when he received the treatise, "De Unione Ecclesiasticâ," first because the book was not then printed, and that he was afraid that Reginald Pole would be driven to publish it, if he were treated too harshly, and afterwards because he wished to bring him to England. He desired that he should be told to return thither to discuss several passages that he did not understand. Pole had no doubt that this request for explanation concealed a snare; he saw plainly that for him to go to England was to kindly put himself into the tiger's mouth. So he declined the invitation with formal respect and hidden irony.

II.

HENRY VIII.'s divorce, and the religious innovations that accompanied it, at once produced results of great gravity. Even before the divorce was completed, the king's policy of corruption, already preparing his revolt against the Church of Rome, was directed to captivating the favour of the gentry, that little country aristocracy, by granting to them, or selling at a low price, the property of the monas-

teries confiscated by the treasury. William the Conqueror had divided the lands of the Saxons among the Norman knights, the companions of his achievements and victories. Under Henry VIII., there was a fresh Domesday book. This was the register of the spoliation in time of peace. In order to receive a magnificent share of the lands brought under cultivation by the monks, there was no need to draw the sword or expose a life to the hazard of battle. It was enough to deny the pope's supremacy, and to join the king's spiritual revolt. If the process was not very chivalrous, it was certainly lucrative.

As for the high aristocracy of the Court, no doubt they had a large share of the spoil, but they were insatiable for honour and power. Henry VIII. both feared and hated them; they were too near him. He made use alternately of corruption and intimidation to win them over or to daunt them. But the first method appeared uncertain to him, and he trusted most to the latter.

The Court was so different from what it had been at the beginning of Henry VIII.'s reign; the ruin of Catholicism seemed to be the signal for fearful demoralisation of the higher nobility of the state. Passions were not restrained now that the king had set the example of letting loose his own. All men sought refuge from the evil forebodings that hung over the heads of the most distinguished in the intoxication of pleasure. Suspicion and anxiety were

everywhere making way; treachery was active even at the domestic fireside, and betrayal was hatched in the shade. The father distrusted the son, and the son the father. The servants that seemed the most faithful were spies upon their masters; ladies of the highest rank, having lulled their husbands to sleep with feigned caresses, basely denounced them, and handed them over to the king's justice—that is to say, to the executioner.* The suspicious despotism of Henry VIII. went so far that it could not be contented with the penal laws, though they were already strict enough in political matters. When one accused of treason did not appear to answer before the Court, the English law held him to be guilty; he was no longer simply contumacious, but *out of law*. A sentence of attainder was recorded against him. He was liable to arrest wherever he was found. An ordinary jury was summoned, his identity was established, and he was put to death. His property was confiscated, his children and grandchildren suffered corruption of the blood, a cruel fiction that cut them off in a way from their family, prevented them from inheriting from their grandfather if he survived their father, or from their uncles, aunts, or other collateral relations.

A bill of attainder was brought in by the crown

* This was what Lady Rochford did [Jane Parker, daughter of Lord Morley] (Ed.), and other ladies tried to follow her example, among others the Duchess of Norfolk.

and passed against the fugitive by parliament. A bill was first brought into the House of Lords on the information of the attorney-general, and after the third reading it was sent down to the Commons, where it was again debated, and almost always passed. It was then sent to the king, and he gave his assent.

Henry VIII. applied the perfection of his tyranny to the bills of attainder. According to a new system of jurisprudence contrived by him, when the accused was not really a fugitive, the fact of his absence was enough for the supposed contumacy. Thus Henry kept Cromwell, Earl of Essex, prisoner in the Tower, and the Countess of Salisbury and the Marchioness of Exeter, mother and sister of Cardinal Pole. These imprisoned nobles were cited to appear before the Court of Peers; they did not answer, because they were kept in fetters in their dungeons. This was a way to condemn them unheard, and to ensure the accuser's triumph, even without a charge to bring. Seventeen bills of attainder were thus passed in 1539, sixteen in 1540, and fifteen in 1541.

The attorney-general laid the information; then the English peers and members of parliament gave their votes in a low voice, and with unwearied complaisance condemned the victims indicated by the crown; so much did terror degrade the character and freeze the soul.

It was curious that Henry VIII., tormented by

remorse, consulted his lawyers whether it was absolutely necessary for him to give a formal assent to such bills of attainder, and the answer he received was that he might dispense with it, the essential point being that he should be informed of it. Perhaps he wished to persuade himself that he avoided the responsibility of these deeds by not putting his signature at the foot. It was the last resource of a conscience at bay.

But it is plain that, when he found none around him but minds moulded by corruption, he must at last have made them yield with greater facility to his religious requirements, especially as he always exhibited a prospect of the scaffold. There was really a pretence of taking him for pope in England; even the great English nobles, formerly so haughty and high-spirited, vied with one another who should bow the lowest to this civic tiara.

As for the episcopal bench, that other aristocracy, they were, as we have mentioned above, with three or four exceptions, inexpressibly weak and cowardly. The rulers thought they could get anything from these bishops, trained to subserviency. So, under Edward VI., Henry's successor, the articles to be published to the people were, by the Duke of Somerset's direction, settled by the Privy Council. "Awaiting second thoughts, they adhered to the six articles of Henry VIII., and did not blush to require an express declaration from the bishops *that they would*

make profession of the doctrine as it might from time to time be established and explained by the king and the clergy." As Bossuet says, "It was only too clear that the clergy were only mentioned for form's sake, as everything was really done in the king's name." *

If the Bishop of London or the Archbishop of Canterbury had been asked what was the right doctrine to hold on the point of transubstantiation, the prelate might have answered, "Provisionally we must believe what Henry VIII., of religious and glorious memory, ordered; but, for your definitive faith, wait till the doctrine has been settled by his successor." †

If now we pass from the aristocracy to the mercantile or middle classes, it must be allowed that the soil was much more favourably disposed for religious innovations. They were already powerful and numerous, and were imbued with new notions imported from Germany and the Low Countries. So they were quite ready to adopt the denial of the pope's supremacy. Only Henry VIII.'s new ecclesiastical constitution seemed insufficient to these disciples of Luther and Zwinglius, and, when they ventured to profess their doctrines openly, the pile was lighted for them also. This judicial process had been invented by

* Bossuet, Histoire des Variations, Book vii.

† This is like the answer of a sectarian socialist in 1831 to one of his neophytes, who asked if the human soul preserved its individuality after death. "Come back in a few days; the doctrine is not settled yet."

the reforming king, to prove his strict impartiality towards all who denied his personal supremacy.

As for the English people properly so called, meaning especially the country people, they were firmly attached to Catholic traditions; and so, when their religious ceremonies were altered, when a change in their worship was attempted, and the destruction of their altars—when the monks, givers of the bread of charity to all, were turned out of their monasteries, deep despair fell upon these simple minds faithful to their creed, there was a general rising in the north of England. Thirty or forty thousand countrymen took up arms in the name of the Cross, and the army sent against them was nearly surprised and surrounded. If at this moment Charles V. could have sent a good general to the insurgents, and landed a few thousand Spaniards to help them, the new Church would have been extinguished, with the king's supremacy, and even his crown.*

But Henry gained over or disarmed the chief leaders of this popular sedition by making them promises of religious freedom and amnesty that he did not keep. Blood flowed in torrents; the Catholic worship† was again proscribed, even in private

* It may be remembered that in 1528 and 1529 Mendoza wrote to Charles V. that discontent had come to a head, and that the people only wanted a leader to rise against Henry VIII. and overthrow him. [Yes, but that would have taken a native leader with a cause, not a foreigner, and we suspect Charles V. himself knew this very well. Ed.]

† Only so far as that clergy, still owning the pope, were prosecuted. (Ed.)

houses. The heads of priests and monks who refused to take the oath of supremacy were put to ransom, or rolled on the scaffold.

The English people were writhing under physical misery that cannot be imagined, as well as the moral sufferings of a constrained conscience. The monasteries, so numerous all over the country, always had plenty of bread to feed the wanderer, clothing to cover his nakedness, and a temporary shelter for the homeless and destitute. A large number of hospitals, served by the monks, were devoted to the cure of various diseases.

When Henry VIII. had confiscated the property of the hospitals and monasteries, he at once saw the void left in his kingdom by voluntary charity, with its inexhaustible sources, not to be met with outside of Catholicism and its productive establishments. So he was induced to take measures of excessive rigour against the pauperism he considered a crime. When a poor wretch, even not able-bodied, was found begging beyond the bounds of his parish, he was arrested, whipped, put in the stocks, and kept in prison three days and three nights, fed upon bread and water, and then sent back to his home.

In a statute that was the king's own work, it was enacted that, on a second offence, a mendicant vagabond should have his ear cut off. At the third offence he was condemned to death as a felon and an enemy to the state.*

* Reeve's History of Law, vol. iv, pp. 227, 228.

These arrangements were not confined to threats. In the last fourteen years of his reign, Henry VIII. caused about seventy thousand of his subjects to be hung for the crime of repeated vagrancy, by a literal application of the statute he had enacted.* Afterwards there was a respite from these sanguinary deeds. Subsequently a palliative for pauperism was contrived in the establishment of workhouses. Although certain improvements have been made lately in the conduct of these houses, not much has been done to diminish this leprosy of misery, born of the Anglican schism.†

III.

THE papacy had hitherto been greatly respected in England, and Henry VIII. and his worthy ministers spread the most atrocious calumnies against it, in order to make the people hostile to Romanism. While the higher orders were intimidated by judicial rigours, the lower were led by their hatred; then fanaticism was roused, and at last they came to favour, or at least tolerate to some extent, the disciples of sects coming from Germany as declared and

* Knight's Popular History of England, vol. iv.

† Several English protestants at the present day consider that, in a political and social point of view, the measures of Henry VIII., directed against the religious orders of his kingdom and the numerous convents, were a great mistake socially and politically. A motion to this effect was carried in the Cambridge Union Debating Society, after a long discussion. [How much pauperism has been caused by indiscriminate almsgiving?] (Ed.)

inveterate foes to Catholicism. This dark and bloody fanaticism at last turned against royal authority, when it had arrogated to itself all the prerogatives of the papacy with greater arbitrariness, as is always the case with usurpers of every kind. The Established Church and its head became an object of aversion to the Presbyterians, the Independents, and all those who were called Puritans. The measures of violence put in force against the dissidents only exasperated them and made them stronger. Respect for the king was lost after respect for the pope. Thus there came a day when the rage of the people did not pause before the majesty of the throne. Charles I., tried like a common criminal, was the victim of the bills of attainder that had been so cruelly used by his predecessors, and especially by Henry VIII.

Therefore, but for the divorce of that king from Anne Boleyn, a Stuart would not have laid his head on the scaffold in expiation of the crimes of the Tudors. The hatred and popular prejudice excited by Henry against the religion of Catharine of Aragon, were aroused with extraordinary vigour in the reign of James II. This last of the Stuarts lost his crown for attempting to restore Catholicism. Torrents of blood again flowed in consequence of the armed rising of the Pretender and after the defeat of Culloden.

Scotland, and especially Ireland, were sorely per-

secuted by the English Government. Religious liberty, or indeed toleration, have only been recovered in these later days. Thus the disastrous effects of Henry VIII.'s divorce were gradually obliterated, but after centuries of efforts on the part of the Catholics long treated as outcasts in political and civil rank.

Externally the religious feelings of the mother country were frequently repeated in the numerous colonies founded by England in America and India. One instance is Maryland, where Lord Baltimore, a Catholic, landed with a large number of his servants and friends, Catholics like him. The government of this territory had been granted him, and he enacted complete religious liberty. The Puritans and other Protestants, by successive immigrations, became the majority, and took advantage of it to deprive the Catholics of all civil rights, and to recognise the benefits they had received from their too kind hosts by religious exclusiveness directed against them. New England and Pennsylvania were already marked by very rigorous preventive intolerance. This was the melancholy system at first inaugurated on all the coasts where an English vessel came ashore. The Catholic religion gradually became not only tolerated, but respected. In the East Indies, first the great company, then the English Government, generally recognized that the missionaries of the Roman religion had more converting and civilizing power

than Protestant missionaries. But this justice to our Catholic apostles has been very dilatory; the prejudices born from the divorce and Anglican schism have displayed great tenacity; they have prevented and still prevent unity of faith.

Who in London could have foreseen in 1533 that the divorce was to be one of those blows whose recoil is so far-reaching, according to Bossuet's expression?

We have now another subject for meditation to draw from this history that seems to be a lesson to the future of mercy and liberty of conscience. The spectacle of a monarch, who trampled so cruelly upon souls, and reproduced the phenomenon of a modern Nero in the history of a Christian nation, ought to put us on our guard against the return of a dictatorship or imperial tyranny that it is perhaps wrong to suppose impossible. This would be the greatest scourge of God in modern times.

THE END.

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